



Earith Pre-School 7
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Dignity at Work Policy

Policy Statement

All employees have the right to be treated with dignity and respect in the workplace. Harassment bullying and victimisation is wholly unacceptable behaviour, which will not be tolerated, is potentially unlawful and may lead to disciplinary action. Incidents of harassment, bullying and victimisation may result in placing an employee in a threatening and intimidating environment, can adversely affect his/ her performance, health or well-being and is not conducive to the delivery of excellent childcare.

There are three stages for an employee to raise a concern regarding bullying/harassment or victimisation under this policy:

Stage 1	Informal approach to alleged party
Stage 2	Informal approach through a third party
Stage 3	Making formal complaint using dignity at work complaint proforma

Responsibilities

Employees

All employees have an equal responsibility to contribute towards a working atmosphere free from harassment and bullying and to report to an appropriate person any such instances in the workplace, in line with this policy. Where possible, they should make it clear that they find such behaviour unacceptable and support any colleagues who have suffered such treatment.

There are a number of things staff can do to help prevent harassment such as:

- Set a positive example by treating others with respect
- Be aware of the policy and comply with it
- Do not make personal comments
- Do not accept behaviour that may be offensive when directed against you or others and take positive action to ensure that it is challenged and/ or reported
- Be supportive of colleagues who may be subject to bullying and/or harassment

All employees have a duty to help create a work environment promoting dignity, courtesy and respect at work in which harassment and bullying are unacceptable. They should be aware of, and sensitive towards the issues, and consider the impact of their own conduct on others, which may differ from what was intended. Behaviour, which is acceptable to some, is not always acceptable to others and the perceptions and feelings of the recipient must be considered.

Whilst Earith Pre-School takes seriously all cases of harassment, bullying or victimisation, employees are strongly discouraged from making complaints of a trivial nature, or from linking this Policy and Procedure to other matters regarding their employment circumstances, which are unrelated to harassment, bullying or victimisation.

Management

The manager, deputies and committee have a responsibility to implement this policy and to bring it to the attention of staff in their work area, in order to establish and maintain a work environment free of harassment. Managers/ deputies have a specific duty to be vigilant of the behaviour of staff and are responsible for addressing incidents, which might cause offence. It is a part of the manager's responsibility to act before waiting for a complaint to be registered.

Managers/ deputies have a positive duty to create an atmosphere promoting dignity at work where harassment is unacceptable and not tolerated.

Definitions

A definition of what Earith Pre-School considers to be harassment, bullying and victimisation is attached in Appendix 1. This definition is not exhaustive, and each case must be judged on an individual basis.



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- A 'complainant' within this procedure is either someone, to whom harassment bullying or victimisation has happened, or someone who has witnessed an incident of harassment/bullying/victimisation, or someone who feels an alleged incident should be investigated further.
- An 'alleged party' is an individual whose behaviour has been alleged to constitute harassment, bullying or victimisation.

Legal obligations

Individuals are protected by law against the harmful conduct of others and should not be subjected to harassing or discriminatory treatment during employment.

Process for raising concerns

There are three stages for raising a concern regarding bullying/ harassment or victimisation and these are described below:

Stage 1: Informal Approach to Alleged Party

In the majority of situations, the expectation is that the informal stage will be used first to try to resolve the issue. Dealing with an incident informally should facilitate a quick and effective resolution. Sometimes people are not aware that their behaviour is unwelcome, and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease or be modified. Wherever possible the complainant should approach the alleged party directly. The complainant should make it clear to the harasser that his/ her behaviour is causing concern, is unwelcome and must stop immediately.

It is advisable for the complainant to write down what has happened for his/her own record.

Stage 2: Informal Approach through a third party

Alternatively, if a direct approach is ineffective or the complainant feels unable to do this themselves, the complainant, may approach a third party. The source of support/ advocate could be:

The manager

A committee member

Colleague if the colleague feels able and confident to take on this role

Depending on the circumstances, the support could take the form of one of the above contacting the alleged party, informally and confidentially, on behalf of the employee to discuss the concerns and to stop the offending behaviour.

Consideration should always be given to the sensitivity needed in approaching the alleged party. The individual may be unaware of the effect his/ her behaviour is having.

In the event of the alleged party's manager undertaking this role, it may be appropriate for them to take steps for the alleged party to understand the effect of his/ her behaviour on the recipient. This could involve offering advice, direction, or other support.

At the informal approach through a third party stage it may be useful to consider a facilitated meeting in order to assist with the resolution of the situation. A Manager/committee member can be approached for advice on facilitation or if necessary, mediation.

Stage 3: Initiating a Formal Allegation

Consideration should be given to pursuing the matter formally only if:

- an informal approach has not resolved the matter, or there has been a previous incident(s) of harassment or bullying involving the same individual(s), or
- the manager is aware of the alleged act and considers it serious enough to warrant formal proceedings
- use of the informal approach is not appropriate because of the potential seriousness of a particular case.

In order to initiate a formal allegation, the individual should provide details of their complaint. This can be provided in one of the following ways:

- Using the Dignity at Work complaint proforma (see appendix 2), or
- Preparing a written statement.



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The written submission should be submitted by the employee or his/her representative to the manager.

The complainant will receive an acknowledgement within three working days.

Process once a Formal Allegation has been raised

Initial Response

Following receipt of the written complaint, the manager should arrange an initial meeting as soon as possible with the complainant to clarify:

- The initial facts of the allegation,
- What happened? What has been said?
- When, where, times, etc.
- Has there been one incident or several incidents over a period of time?
- Have there been any witnesses who have seen or heard of the behaviour?
- What is the employee's preferred outcome/ proposed resolution?

After the meeting with the complainant, the manager needs to arrange an initial meeting with the alleged harasser to inform them of the complaint. This may include a copy of the complaint depending on the sensitivity of the allegations and ascertain their response to the allegations.

Following this part of the process, the manager may decide there are a number of possible options available, these could include:

- The manager believes that there is potential for an early resolution of the complaint by setting up a joint meeting with the employee and their representative, the alleged party with their representative if they choose to be accompanied.

Or

- Where the alleged party acknowledges their behaviour/ actions were inappropriate, this could lead to a discussion regarding the appropriate action necessary, this could include further training or disciplinary procedures depending upon the seriousness of the allegation.

Or

- the conclusion it is necessary to complete a full investigation into the allegations.

A meeting will be required to confirm the outcome of the investigation with both the complainant and the harasser

Formal investigation

- After the initial review of the formal allegation, it will be fully and formally investigated by the manager assisted by a committee member.
- The investigation into the incident should, wherever possible, be completed within 20 working days (Monday-Friday). If this is not possible both parties should be advised of the delay and given an indication of the likely duration and kept apprised of the ongoing situation at fortnightly intervals.
- During the investigation, if the Investigating Officers believe that the alleged incident may constitute an act of gross misconduct, the alleged party must be suspended with immediate effect, on full pay. This should be carried out in accordance with guidelines for suspension within Earith Pre-School's Disciplinary Procedure.
- Where it is considered that the alleged incident may amount to a criminal offence, the Manager may then contact the Police if necessary. There may be circumstances in which it is believed the relationship between the parties involved has deteriorated to the extent that it could be detrimental to service provision and/ or work colleagues for them to continue to work together. In some circumstances it may be necessary to place either party temporarily on 'special leave', away from their working environment, on full pay until the end of the investigation.
- Special leave would not usually be expected to last longer than four weeks. This period may be extended in exceptional circumstances and in consultation with the manager. Letters sent



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to individuals on special leave must make clear that taking any other paid employment at times when they would normally be on duty during this period is not permitted, without the express permission of the manager.

Both parties will be notified in writing once the investigation has been concluded and, where appropriate, be informed of the next stage in the process.

Action following an investigation

There are a range of possible outcomes after an investigation has been conducted into a formal allegation of harassment or bullying, these are as follows:

No formal action is considered appropriate

The outcome may be that no disciplinary action is taken, where for example in the opinion of the Investigating Officers:

The alleged incident/ s did not constitute an act of bullying, harassment or victimisation or to a level that would warrant formal disciplinary action

Insufficient information is available to determine whether such an incident has occurred, or

If the investigation found that an incident(s) arose out of the capability/ lack of understanding of either party or a genuine misunderstanding between the parties and is not considered to be harassment or bullying. In such cases, other issues may have been raised including a capability issue or a training need.

Formal disciplinary action is considered appropriate

If after completing the investigation, the Investigating Officers consider a breach of discipline has occurred of a minor nature, they have the authority to issue a verbal warning, without the need for a formal Disciplinary Hearing. This will be issued in accordance with the Earith Pre-School Disciplinary Procedure, which outlines the process for issuing verbal warnings. If after completing the investigation, the Investigating Officers consider a breach of discipline has occurred warranting action beyond a verbal warning, a Disciplinary Hearing will be arranged. If possible this will be within two weeks of the end of the investigation, in accordance with Earith Pre-School Disciplinary Procedure.

End of process

After the conclusion of the investigation and, where appropriate, the hearing, the complainant will be advised that the management has taken appropriate action. Clearly, all confidential details of any such action must not be shared. A letter will be sent to the employee complainant and alleged harasser confirming the outcome. All parties that have been interviewed will be advised that the process is complete.

If either party is dissatisfied with the outcome of the Formal Procedure they may choose to raise the matter through Earith Pre-School Grievance Procedure.

The manager must meet with the complainant between 4-6 weeks after the conclusion of the case to ensure the conduct has ceased, the complainant has been appropriately supported and there has been no victimisation following their complaint.

Confidentiality

In disclosing the contents of the Investigatory Report, Earith Pre-School has a duty of confidentiality to witnesses interviewed and this may prevent disclosure of the full report. However, a summary of the findings and conclusions will be provided to the complainant and alleged party.

Earith Pre-School has a duty of confidentiality to all employees. This may prevent the manager from being able to provide any detail about specific outcomes of any case, with regard to action, if any, against the alleged party. However, where necessary, sufficient information will be given to reassure the complainant that appropriate action has been taken.

Working relationships

When a formal complaint is upheld, it may be appropriate to consider providing training for the alleged party as he/ she may be unaware of, or insensitive to, the impact of his/ her actions. Training may help to raise awareness of the issues and prevent further incidents.



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In addition, where an incident of harassment or bullying has occurred, the impact on the working relationship between the complainant and the alleged party should be considered. Where necessary, support should be provided to both parties to facilitate a satisfactory reconciliation. The objective of this is to restore a professional working relationship, at the earliest possible opportunity, in which each party respects the dignity of the other.

Grievance procedure

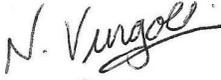
If either party is dissatisfied with the outcome of the Formal Procedure they may choose to raise the matter through Earith Pre-School Grievance Procedure.

Training and awareness

All employees will be informed of the Policies and Procedures on Dignity at Work during their induction and their refresher training.

The manager and deputies will be made aware of their responsibilities under this policy and access to the ACAS e-learning package/ other appropriate guidance will be made available.

This policy was adopted by	Earith Pre-School 7	(name of provider)
On	05 August 2020	(date)
Date to be reviewed	04 August 2021	(date)
Signed on behalf of the management committee		
Name of signatory	Nathan Vingoe	
Role of signatory (e.g. chair/owner)	Chairperson	

This Policy was reviewed	02 August 2021	(date)
Date to be reviewed	01 August 2022	(date)
Signed on behalf of the management committee		
Name of signatory	Nathan Vingoe	
Role of signatory (e.g. chair/owner)	Chairperson	



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Appendix 1: Harassment and bullying at work: Definitions, examples and effects

Definition: Harassment

Harassment is defined in discrimination law as “unwanted conduct by any group or individual “on the grounds of a protected characteristic” (Equality Act 2010), which has the purpose or effect of violating dignity or creating an intimidating, hostile degrading, humiliating or offensive environment for that individual”. This conduct alarms, threatens, is unwelcome or unwanted or unwarranted.

Harassment applies to all protected characteristics. Harassment of individuals may be on the basis of some kind of distinctiveness of that individual, including:

gender, sexual orientation or marital status

race, skin colour or ethnic origin

disability or health status

age

religion or support of a particular cause

physical appearance

weight/ height.

Examples: Harassment

causing non-accidental physical contact such as slamming a door in someone’s face or assault

ridiculing, intimidating or physically abusing an individual

excluding an individual from conversations, duties or activities

patronising, ‘talking down’ or ‘talking over’ an individual

Definition: Bullying

Bullying may be defined as offensive, intimidating, malicious, insulting or humiliating behaviour, abuse of power or authority, which attempts to undermine an individual or group of employees or bullying may be a single incident or it may occur as a series of acts with a cumulative effect.

The root cause of bullying is the abuse of some form of power over an individual which may include:

management or supervisory authority

experience, length of service or age

knowledge, education or skill

social skills, influence or contacts

Examples: Bullying

criticising constantly or excessively constantly interrupting or ignoring an individual in discussions

picking on or shouting at an individual in front of others

removing responsibilities from an individual, failing to delegate to him/ her, burdening him/ her with trivial tasks, or blocking promotion

constantly dictating an individual’s behaviour or actions without opportunity for discussion

sending computer messages which are aggressive, abusive or deliberately antisocial.

Definition: Victimisation

Victimisation may be defined as less favourable treatment, including harassment or bullying, of an individual because he/ she has made an allegation, either informally or formally, or otherwise taken action against an alleged perpetrator of harassing or bullying behaviour

Effects of bullying and harassment

It is important to know the effects of harassment and bullying since the conduct itself may go unnoticed for some time. Many incidents will occur when no witnesses are present and recipients of such behaviour may not wish to inform anyone of the situation. Harassment and bullying may be very subtle and does not always leave visible scars. Symptoms of stress may also be an indication that the individual is a recipient of harassing or bullying behaviour.

Effects of bullying and harassment

_ rising levels of absenteeism

_ premature ill-health and retirement



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- _ high levels of staff turnover
- _ reduced productivity for victims and colleagues
- _ cost of potential litigation/ damage to reputation
- _ sleeplessness/ Lethargy
- _ loss of appetite/ skin problems
- _ migraines/severe headaches
- _ mood swings
- _ anxiety/ Stress
- _ de-motivation/ poor or deteriorating morale or self esteem

The difference between constructive and destructive criticism

As part of the “every day management process” managers are required to provide staff with feedback concerning their attitude, performance, conduct, timekeeping and so on. If any of these areas have been unsatisfactory the feedback may be critical of the employee concerned. If criticism is delivered in a constructive manner it can be beneficial to the member of staff, providing them with the opportunity to reflect on their behaviour and make any necessary improvements.

Destructive criticism on the other hand, can have detrimental effects on staff morale and damage the psychological contract between manager and employee.

Constructive criticism will focus on upon:

- actions and behaviour, focusing on what the employee has done or not done
- facts with specific examples of behaviour that has been inappropriate and an explanation of why it was inappropriate
- future improvement, for example requiring the employee to do something differently or make changes.

Destructive criticism on the other hand may involve:

- aggressive behaviour
- personal insults or put downs
- allocating blame rather than responsibility
- focusing on how awful the situation is rather than the future improvement or rectification of the problem.



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Appendix 2 Dignity at Work complaint

Name of Complainant

Job Title

Contact Details

Reason for complaint
 Summarise the nature of the complaint what happened?

When? (dates, time)
 Location
 Were there any witnesses? Yes/No
 Have you advised them of this complaint? Yes/No
 Witness Name:
 Job Title:
 Contact details:
 Witness Name:
 Job Title:
 Contact details:
 If you wish, you may put forward your proposed resolution/ views about what you would like to happen:

Please note your preferred outcome will be considered however the manager will need to take appropriate action depending on the nature of the case
 Signed

Date:
 NOTE: Office use: Letter sent to employee confirming how dignity at work complaint dealt with at each stage? Yes/ No date sent