Bullying and Harassment Policy

1. Introduction

This policy applies in relation to bullying and harassment affecting employees, workers (bank), agency workers, contractors, parents, visitors, volunteers and students at the Nursery.

The management of inappropriate behaviour by children is dealt with in the Behaviour Management Policy. We also have a Parents, Carers and Visitors Conduct Policy that sets out the expectations for acceptable behaviour for anyone attending Home from Home and should be read in conjunction to this policy.

It is in everyone's interest for the environment in which we work to be harmonious and respectful. All those who attend the Nursery should be treated with dignity and respect. Although we would like to think that this is always the case, this policy recognises that inappropriate behaviour, which may include harassment or bullying, can and does take place. The policy aims to ensure that if inappropriate behaviour does occur at Home from Home Nursery it is dealt with in a serious, sensitive and confidential manner so that the matter can be resolved as quickly as possible for all concerned.

Home from Home Nursery considers that bullying and harassment in all forms is morally unacceptable and will not be tolerated. It is also unlawful under the Equality Act 2010.

Alleged breaches of the policy will be taken seriously and, where appropriate, disciplinary action up to and including dismissal will be taken against anyone found to be in breach of this policy.

2. Contents

The following sections are included in this policy document

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3. Purpose

This policy provides a supportive environment to employees seeking an early resolution to bullying or harassment concerns.

The Bullying and Harassment Policy aims to provide:

- A supportive environment to seek an Early Resolution to bullying or harassment concerns, or both.
- A formal mechanism to address unresolved or significant and/or persistent bullying and/or harassment.

4. Scope

This policy applies to all employees. In addition, it applies to workers such as bank, agency, and sessional workers. References to employees should be taken to apply to workers unless otherwise stated. This policy also applies to volunteers and students on work placement.

It covers bullying and harassing behaviours from other employees and employees of other organisations, where these impact the working environment. The behaviour can be by an individual or a group, also known as mobbing. It can be face-to-face, verbal, written or via electronic methods, including cyber-bullying and cyber-harassment.

5. Responsibilities of Employers and Employees

Employers and employees have a mutual duty to treat each other honestly and with respect.
This means employees have the right to:

- Have trust and confidence in their employer
- Expect not to be bullied at work

Employers have the right to:

- Expect employees not to bully each other
- Expect employees to treat their managers with respect and follow all reasonable instructions

Employers also have a legal duty of care to protect their employees from harm. This includes dealing with bullying issues.

<u>Manager Responsibilities</u>
The manager should:

- Create an environment where employees are clear that bullying or harassment, or both is unacceptable.
- Respond constructively and supportively where an employee raises a concern regarding bullying and harassing behaviours or is accused of such behaviours.
- Assess the seriousness of the complaint and determine whether the matter should be addressed under Early Resolution.
- Assess the risks arising from the parties continuing to work together while the concern is being addressed and consider alterations to working arrangements that would support this.
- Identify suitable alternative placement(s) and appropriate support mechanisms to prevent isolation where it is not possible to keep the parties together.
- Consider referring to any support mechanisms to maintain health and wellbeing during the process.

<u>Employee Responsibilities</u>
The employee should:

- Contribute to a dignified working environment in which bullying and harassment are unacceptable and consider personal behaviours that might be seen as such.

- Take time to consider whether the behaviours they have experienced are bullying and/or harassing in nature and if so, what outcome they would seek to achieve.
- Raise awareness of issues at the earliest opportunity.
- Respond constructively where they are accused of bullying and harassing behaviours.
- Where an employee is subject to, witnesses, or demonstrates problematic behaviours that they are unable to manage on their own, they should raise the issue with a manager.
- Actively participate in the process in an attempt to manage the issue without delay.
- Consider accessing any support mechanisms to maintain health and wellbeing during the process.

6. What is bullying and discrimination

Discrimination

By law (Equality Act 2010), discrimination is when someone is treated 'less favourably' than someone else because of these 'protected characteristics':

- Age
- Disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Types of discrimination include direct and indirect discrimination, harassment and victimisation.
In some circumstances, harassment could also be a hate crime.

Bullying

Although there is no legal definition of bullying, it covers various types of unwanted behaviour. Bullying behaviour can be harassment if it relates to a protected characteristic. Bullying might:

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails or calls
- happen at work or in other work-related situations not always be obvious or noticed by others

It's possible someone might not know their behaviour is bullying. It can still be bullying even if they do not realise it or do not intend to bully someone.

7. Expected Standards of Behaviour

We have a duty to provide a safe and secure environment for children, employees and visitors. Violent, abusive or harassing behaviour will not be tolerated, and action will be taken to protect children and employees.

Harassment

Harassment is defined as any unwanted physical or verbal conduct that offends, hurts or humiliates the recipient, that interferes with their ability to work and learn, or leads to adverse job-related consequences, and that any reasonable person ought to have known would be unwelcome.
This does not include performance reviews such as supervisions or appraisals, or valid disciplinary measures.
Examples of harassment include, but are not limited to, racial or sexual slurs, negative stereotyping, name calling, racist or sexist jokes, physical assault, bullying, threats, demeaning pictures, posters and graffiti.
Harassment involves the following categories of behaviour, whether this occurs once or on repeated occasions:

- Discriminatory Behaviour

Discrimination refers to treating people differently or negatively because of one or more of the prohibited grounds of discrimination: race, colour, ancestry, place of origin, political beliefs, religion, age, sex, sexual orientation, marital status, family status, physical or mental disability, or pardoned criminal conviction.

- Personal Harassment

Personal harassment includes offensive conduct, comment or display made on either a one time or continuous basis that demeans, belittles, or causes personal humiliation or embarrassment on the part of the recipient.

- Sexual Harassment

Sexual harassment refers to any conduct, comment, gesture, or contact of a sexual nature, whether on a one-time basis or a series of incidents, that might reasonably cause offence or humiliation. This also include placing a condition of sexual nature on employment, an opportunity for training or promotion. Some examples of sexual harassment may include, but are not limited to:

- Unwanted touching, patting, or leering.
- Sexual assault
- Enquiries or comments about a person's sex life.
- Telephone calls with sexual overtones.
- Gender-based insults or joke made to cause humiliation or embarrassment.
- Repeated unwanted sexual or social invitations
- Inappropriate or unwelcome focus or comments on a person's physical attributes or appearance.

Bullying

Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either:

- offensive, intimidating, malicious or insulting
- an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone

Bullying consists of behaviour, which attack and diminish another by subjecting them to unjust criticism or trivial fault finding, or by humiliating the recipient, particularly in front of others.

Examples of bullying

Examples of bullying at work could include:

- constantly criticising someone's work
- spreading malicious rumours about someone
- constantly putting someone down in meetings
- deliberately giving someone a heavier workload than everyone else
- excluding someone from team social events
- putting humiliating, offensive or threatening comments or photos on social media
-

Upward bullying

Bullying can also happen from employees towards someone more senior, for example a manager. This is sometimes called 'upward bullying' or 'subordinate bullying'.

It can be from one employee or a group of employees.

Examples of upward bullying can include:

- showing continued disrespect
- refusing to complete tasks
- spreading rumours
- constantly undermining someone's authority
- doing things to make someone seem unskilled or unable to do their job properly

It can be difficult for someone in a senior role to realise they're experiencing bullying behaviour from their staff.

Behaviours unacceptable on the nursery premises include but are not limited to:

- Screaming, shouting, loud intrusive conversation.
- Malicious allegations towards parents, employees or visitors.
- Threats or threatening behaviour.
- Offensive language
- Intimidating behaviour
- Harassment
- Wilful damage to nursery property or environments
- Theft
- Violence towards persons or property
- Derogatory, sexist remarks

Appropriate Use of Social Media eg WhatsApp, Facebook

Bullying and harassment can also happen online away from the workplace. At Home from Home, we use WhatsApp as a method of contact using various group chats (staff, Manager, Senior , Leadership, Admin, Baby Room, Toddler Room, Pre School etc) to communicate with all employees

When messaging on WhatsApp or any other social media format whether within these WhatsApp work groups or directly between individual employees, all employees must ensure they remain professional as they would face to face in the workplace. Topics should remain work related and no inappropriate pictures or videos should be shared, gossip or 'banter 'and inappropriate language is not acceptable.

Any messages that are deemed inappropriate should be bought to the attention of the employees Line Manager immediately to be investigated.

8. How to prevent bullying and Harassment

Home from Home uses many ways to ensure staff are aware of the appropriate standards of behaviour to prevent bullying and harassment from taking place, by confronting it head on and creating a zero tolerance policy towards bullying and harassment we aim for a workplace free from bullying and harrasment. We do this by:

- Ensuring employees know what constitutes as bullying and harassment so that regardless of whether they are being bullied, witnessing bullying or even repeating behaviour that someone else may feel bullied by, they know what bullying behaviour is.
- Unfortunately, there may be some people that are more likely to be targets of bullies than others. Our line managers foster strong relationships with their work colleagues and will keep an eye on any changes of behaviour in individuals and working relationships to ensure they get support if needed.
- Having an open door policy to encourage employees to come forward if they are a victim or witness any bullying behaviour
- Any complaints are dealt with sensitively and promptly as set out in Section 9.
- Having regular supervisions and appraisals avoiding negative comments about things unrelated to the job in hand. Making sure managers know how to provide constructive criticism without using negative personal comments. Ensure performance feedback is provided to assist employees in improving performance.
- Bullying and Harassment training happens annually and is spoken about in every team meeting to ensure it is always in the fore front of employees minds.
- Managers should lead by example and pave the way for acceptable behaviour.

9. Procedures for managing harassment and bullying

Home from Home Nursery will deal with all complaints of harassment or bullying promptly, fairly and sensitively. Managers will try to resolve problems informally and deal with them at the earliest opportunity and confidentiality will be maintained at all times by everyone involved.

Any incident will be fully recorded on an incident form as well as a written report being completed. All witnesses will write a statement detailing what was observed/heard.

The manager dealing with the complaint will then decide on the most appropriate course of action in the

circumstances. If an employee is not satisfied with how a complaint is dealt with, that employee can at any stage raise a formal grievance. ***Please refer to the Grievance Policy.***

Home from Home will assume that all grievances are raised in good faith. In the unlikely event that a complaint is frivolous, malicious or vexatious, the employee raising the grievance may be subject to disciplinary action, as a general rule, employees may not raise a grievance anonymously as this hamper's consideration of the case. In exceptional circumstances where an employee has a genuine fear of the consequences of being identified as the complainant, they should contact Julia Pattenden Director for advice.
Disciplinary action will be considered in all cases where a claim of harassment or bullying is substantiated. Serious incidents will be considered to be gross misconduct.
Anyone involved in the process is required to maintain confidentiality throughout the process.

Procedure in cases involving other employees

The procedure for bullying and/or harassment cases involving other employees is shown in the Bullying and Harassment Policy flowchart.
Resources are also available to support employees to consider whether their experiences fall within bullying and harassment, including the following tools:

- bullying self-reflection tool – see Appendix 1
- harassment self-reflection tool – See Appendix 2

Early Resolution

Addressing bullying and/or harassing behaviours is challenging. The best way to resolve the issue at the earliest opportunity is by ensuring the other party is aware of the impact of their behaviour. The following approaches are recognised ways of achieving Early Resolution.

Ways of achieving Early Resolution

- Speaking to the other party directly

The complainant approaches the other party to tell them that they find their behaviour offensive, why this is the case, and to ask them to stop.

- Writing to the other party

The complainant writes to the other party to tell them that they find their behaviour offensive, why this is the case, and to ask them to stop.

- Supported approach

If the complainant finds speaking to the other party too difficult but still wishes to seek Early Resolution, they can ask a manager to relay their concerns to the individual.

- Supported conversation

If the individuals involved agree that Early Resolution is possible this can be supported through an informal discussion. Such meetings can be offered by a third party, for example, a manager or HR representative. Employees are supported to have a face-to-face conversation to start rebuilding relationships. During this process, a work colleague can also support employees. A record of the agreed outcomes will be provided by the third party to all participants.

Mediation

The manager may suggest this to the parties involved to actively support Early Resolution. Mediation is voluntary and has a clear structure. It offers a safe and constructive approach to enable the parties to problem-solve and develop a realistic agreement that meets all their needs.
The trained mediators are impartial. They do not take sides or offer solutions but promote and support good conversation. What is said in mediation is confidential and cannot be disclosed or used in any subsequent procedure.
Where the employee has attempted Early Resolution without support from a manager, they should keep a record of the following:

- behaviours causing concern
- dates and actions they have taken
- what was said or done by those involved

This will help if the bullying or harassment continues or happens again.

Formal Procedure

If Early Resolution is unsuccessful or the bullying or harassing behaviour is significant or persistent in nature, the employee or manager may initiate the Formal Procedure.

In such cases, the manager will assess any risk. They will determine what supports can be put in place to allow the employees to continue working together during this period, such as alternate working patterns.
Where this is inappropriate, the employee alleged to have demonstrated the bullying or harassing behaviours or both will be moved to an alternate age cohort or building unless:

- the complainant requests a move
- there is a legitimate service need which dictates that the other employee cannot be moved

To initiate the Formal Procedure, the employee should write to their manager. Where this is not possible, or appropriate, they should write to the next level of management. The communication should detail the employee or employees alleged to be demonstrating the behaviours and their nature. For more information, read the guide for employee complainants.

The employee may access a confidential contact or HR Director for advice.
If the employee has chosen to go straight to the formal stage of the procedure, a manager will:

- discuss with the employee why they think Early Resolution is not appropriate
- offer every support to allow Early Resolution to take place

The manager who receives the complaint must acknowledge the complaint in writing within 7 calendar days. The Standard acknowledgement letter template is used. The letter outlines the process for either revisiting the possibility of Early Resolution or the process of investigation to be undertaken in line with Home from Homes Disciplinary Process

Policies Investigation Process.

There are 3 potential outcomes following the investigation:

- Complaint is not upheld.
- Complaint is upheld and justifies learning outcomes.
- Complaint is upheld and justifies referral to a formal conduct hearing.

Feedback from the investigation process to the complainant

The manager or the investigation team, or both will meet with the employee who raised the concern to feedback the findings of the investigation. This will be undertaken with a view to clarifying the reasons for their decisions but with all due regard for the confidentiality of the employee alleged to have demonstrated the bullying and/or harassing behaviours and any witnesses. Find out more about information sharing.

Where the complaint is not upheld, then unless there has been clear evidence to show the complaint has been raised in bad faith, the employee should be reassured of the appropriateness of raising concerns and that notwithstanding the findings it is acknowledged that is how the employee feels.
The outcome will be confirmed in writing, using the Standard outcome letter template to the employee within 7 calendar days of the feedback meeting. The letter will explain the process for requesting a review and the scope of any review.

Feedback from the investigation process to the employee under investigation

The manager or the investigation team, or both will meet with the employee to feedback the findings of the investigation and any proposed action. This will be undertaken with a view to clarifying the reasons for their

decisions but with all due regard for the confidentiality of the employee who raised the concerns and any witnesses. Find out more about information sharing.

Where the complaint is not upheld, the employee should be reassured that their behaviour has not been deemed inappropriate. They should be supported to recognise that the complainant may still perceive behaviours were inappropriate and that therefore the complainant was not acting unreasonably in raising a concern unless there is evidence to suggest it was raised in bad faith.
Where the complaint is upheld, the employee should be advised of any learning outcomes and whether these will be managed under the Capability Policy.

If it is determined that the behaviours constituted misconduct, the employee should be advised that a hearing will be arranged in line with the Conduct Policy.

The outcome will be confirmed in writing, using the standard letter template, to the employee within 7 calendar days of the feedback meeting.

Review
If the complainant or employee under investigation remains dissatisfied following the feedback from the formal investigation, they may request a review of the process. The request should be made in writing within 14 calendar days and should be sent to the designated manager as outlined in the feedback letter.
A hearing will be held to consider the process undertaken by the investigation team, and the employee's case that the process was flawed. Find out more about the hearing format in our hearing guide.

The review panel will consist of a manager, according to the scheme of delegation, as Chair and an HR representative. To ensure impartiality all panel members must have had no prior involvement in the case.

Other persons in attendance will normally include:

- the employee who requested the review
- work colleague
- the investigating manager
- the HR representative supporting the investigating manager
-

The manager will write to all parties giving at least 14 calendar days' notice of the review hearing using the Standard letter template. They will also request written statements to be shared 7 calendar days before the hearing.

Statements of case should have sufficient information to demonstrate the process issues to be considered but with due regard for the confidentiality of the employee who was subject to the investigation and witnesses. Witnesses interviewed, as part of the investigation would not normally be called to the hearing unless they can give specific evidence regarding flaws in the process. The outcome of the review will be communicated to the complainant in writing within 7 calendar days using the standard letter template. There is no further right of review.

Maintaining relationships
In many cases where bullying or harassing behaviours, or both have been alleged, there is an ongoing need for the parties to work together.

This could be due to:

- Successful Early Resolution.
- An ongoing investigation process.
- The outcome of the formal procedure where the employee complained against does not need to be moved.

It is important to recognise the potential impact on both parties of working together against this backdrop. On that basis, the manager who provides the feedback needs to take an active role to support both parties, which can include the following:

- Consider access to any support mechanisms such as occupational health to maintain health and wellbeing.
- Individual meetings with both parties to discuss how they feel about the outcome and how they envisage working with the other employee going forward.
- Agreeing on a process for raising future concerns directly with each other or with a manager where this is not possible to ensure the employees feel safe.
- Further consideration of mediation to support ongoing working relationships.
- A joint meeting to ease the first contact on return, where one of the parties has been working out of the department.
- Consider the impact on other work colleagues particularly where they have given evidence and offer them support and details of any return date of the employees involved.
- Review any follow-up action to ensure this has been completed to make sure learning is embedded to minimise the potential for further conflict.
- Agree on a timescale for check-ins to ensure employees feel supported.

Formal complaints not concluded at the time of employment terminating

If a complaint has been raised, but not concluded by the time the employment terminates, it will be concluded with a paper review of the position and a written response given to the former employee within 28 calendar days of the employee's termination date.

Post-employment bullying and harassment complaints

Should a former employee raise a complaint within 28 calendar days of the employment ending, the matter will be investigated, and a response will be given in writing.

Procedure for cases involving contractors and staff from other organisations

The procedure for bullying or harassment cases, or both by contractors or employees from other organisations is included in the Bullying and Harassment Policy flowchart. Involvement in any process as part of a workforce policy can be difficult for all concerned. Recognising this, a range of support is available, in addition to that provided by managers.

Early Resolution

In cases where the bullying or harassment involves contractors or employees from other organisations and the working relationship between the parties needs to be maintained, the employee should consider the same Early Resolution options as described under the section for other employees.

However, due to the specific nature of the relationship between the employer and these individuals / organisations, the following additional steps may be considered at the Early Resolution stage:

- The manager will contact the appropriate senior person within that company / organisation to advise them that this type of behaviour is unacceptable and that, if it is repeated, the individual concerned may be refused entry to the organisation's premises.

Formal Procedure

If Early Resolution is unsuccessful, the behaviours start again, or the behaviours are of a serious nature, the manager should initiate the Formal Procedure. This would require the appropriate senior manager to write to the appropriate senior person within the organisation concerned to advise them again that this type of behaviour is unacceptable and that if it is repeated, then the individual concerned may be refused entry to Home from Homes premises or continued contact with the employees of Home from Home. Where the individual has already been advised that any repetition of such behaviour may lead to such action, the organisation should be advised that the individual's access to the premises or working with Home from Home employees has been removed.

Grievances, bullying and harassment complaints, and counter-complaints

Where an employee raises a grievance, bullying and harassment complaint, or counter-complaint during the investigation process, the investigation may be temporarily suspended in order to deal with the grievance or complaint. Where the grievance or complaint and matters under investigation are related, it may be appropriate to deal with both issues concurrently.

10. Policies and Procedures

In addition, the following policies and documentation in relation to bullying and harassment procedures are in place:

- Grievance
- Disciplinary
- Training and upskilling / Performance management procedures
- Parent, Carers and Visitors policy
- Code of conduct
- Confidentiality Policy

11. Review

This policy will be reviewed annually and also in line with any changes in statutory guidance

12. Version Control

Version	Date	Status	Comments	By
1	September 2024	1st draft for Review	Reviewed in line with recent changes in employment law and against current ACAS	Sophie Eade & Julia Pattenden
2	9th October 2024	Amended version issued	Briefed to all leadership team and staff on 9/10/24	Julia Pattenden
3	10th October 2024	Amended version emailed	Amended to include reference to contractors and parents Emailed to all staff	Julia Pattenden
4	12/11/24	No amendments	emailed to parents & carers and contractors	Julia Pattenden
5	June 2025	Reviewed		Sophie Eade
6	December 2025	Amended	Added section 8 and paragraph about WhatsApp	Sophie Eade
7	December 2025	Updated	Reviewed & agreed by Senior Team	Julia Pattenden

Appendix 1 - Am I being bullied at work reflection tool?

This tool aims to help you reflect on behaviours you are experiencing in the workplace, and to help you determine whether they fall within the Home from Home Bullying and Harassment Policy1. This is for personal use and does not form part of the formal process.

Any of the behaviours can be by individuals or a group (mobbing), using verbal, non-verbal, written or electronic communications.

It is not always easy to differentiate between appropriate behaviours and bullying and harassment, particularly in the relationship between you and your manager. Here are a few comparisons to help you think about this.

Appropriate Behaviour	Inappropriate Behaviour
Consistent	Inconsistent
Shares information	Withholds selectively
Fair	Has favourites
Truthful	Distorts, fabricates
Delegates	Abdicates
Builds team spirit	Creates fear, divides
Leads by example	Sets a poor example
Listens	Snaps
Admits mistakes	Blames others
Challenges constructively	Avoids conflict

It is accepted that these descriptions represent extremes of behaviour, although in practice things may not be so clear and individuals may display characteristics which fall somewhere in the middle

Appendix 2 Am I being harassed at work reflection tool?

This tool aims to help you reflect on behaviours you are experiencing in the workplace, and to help you determine whether they fall within the Home from Home Bullying & Harassment Policy. This is for personal use and does not form part of the formal process.

Any of the behaviours can be by individuals or a group (mobbing), using verbal, non- verbal, written or electronic communications.

These should be related to one or more of the following protected or personal characteristics:

- age (covers all age groups)
- disability (mental and physical health**)**
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (colour, nationality, ethnicity, national origins).
- religion or beliefs
- sex / gender
- sexual orientation
- other personal characteristics such as trans identities including non-binary, carers responsibilities, physical appearance

Using the scale of 1 to 5 please indicate how often you have experienced the following behaviours within the last 6 months.

Never 1	Now and then 2	Monthly 3	Weekly 4	Daily 5

How often are you experiencing:	1	2	3	4	5
offensive Jokes, banter and comments					
ostracising / "freezing out", ignoring and staring					
patronising comments and remarks					
mimicking					
use of derogatory terms					
inappropriate personal questions / comments					
belittling or patronising comments / nicknames					
assault or other non-accidental physical contact, including disability aids					
the display, sending or sharing of offensive letters, publications, objects, images or sounds					
graffiti					
offensive comments about your appearance or clothing					
deliberate and consistent behaviours which demonstrate a non- acceptance of aspects relating to a protected or personal characteristic(s) e.g. failure to use requested gender pronoun for a transitioning individual					

In addition other specific behaviours may be attributed to sexual harassment or stalking, these may also be criminal acts
Sexual Harassment

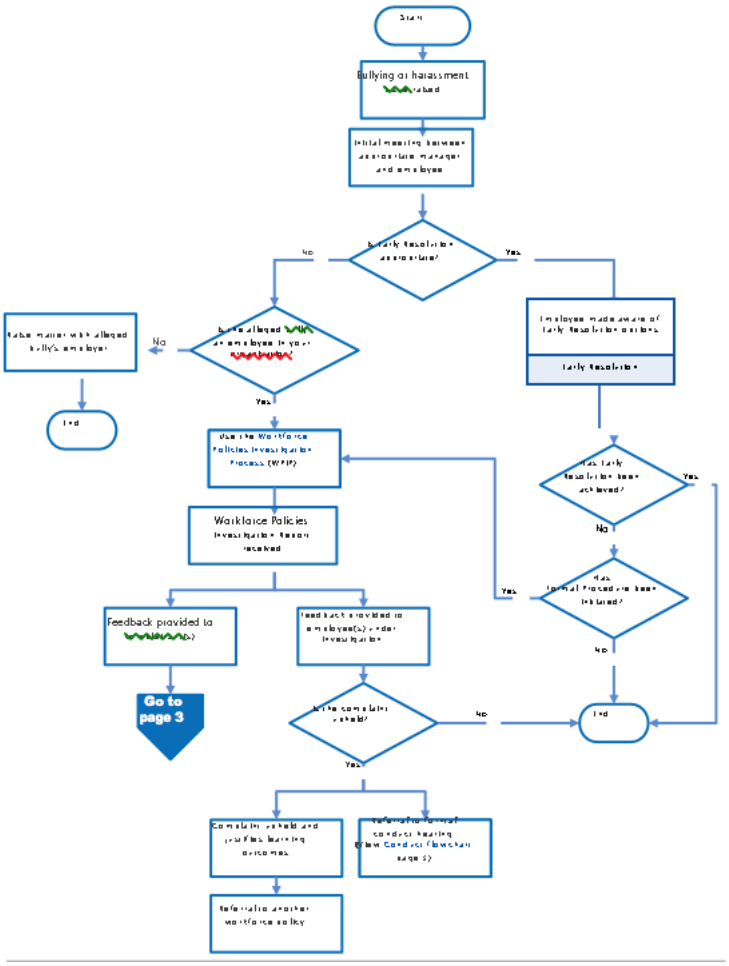
- indecent exposure
- sexual assault
- unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity within or outside the workplace, after it has been made clear that such suggestions are unwelcome
- suggestions that sexual favours may further a colleague's career or refusal may hinder it e.g. promotions, salary increases etc.
- leering, whistling or making sexually suggestive comments or gestures, innuendoes or lewd comments

Stalking

- persistent attempts to make contact with an employee, for example through email telephone, social media or on behalf of a third party
- following, watching or photographing an employee
- repeated sending of overly personal, malicious or threatening messages to a person

Appendix 3 – Bullying & Harassment Process Flow chart

Home from Home Bullying and Harassment Policy: flowchart



Home from Home Bullying and Harassment Policy: flowchart

