

We use cookies to track usage and preferences. [Click here to view our cookie and tri.x policy.](#) [Accept](#)

# Harassment

## SCOPE OF THIS CHAPTER

This chapter enables employees who have been the subject of harassment to take action or how to complain if they have witnessed harassment.

It also informs employees on how the complaint will be dealt with and the option of pursuing a complaint under the [Grievance Procedure](#).

## OTHER RELEVANT CHAPTERS

[Disciplinary Procedure](#)

[Confidentiality Procedure](#)

## AMENDMENT

This chapter was updated in March 2011 regarding the Equality Act 2010.

## Contents

---

1. [Definition](#)
2. [Introduction](#)
3. [Confidentiality](#)
4. [Informal Procedure](#)
5. [Formal Procedure](#)
6. [Responsibility of Managers](#)
7. [Key Legislation](#)

## 1. Definition

---

Harassment can take many forms and occurs on a variety of grounds. It may be directed at one person or many people. In general it can be described as:

Unwanted behaviour which a person finds intimidating, upsetting, embarrassing, humiliating or offensive.'

People can be subjected to undignified behaviour on a wide variety of grounds, including:

- Race, ethnic origin, nationality or skin colour;
- Gender or sexual orientation;
- Disabilities, sensory impairments or learning difficulties;
- Status as an ex-offender;
- Age;
- Health;
- AIDS/HIV;
- Physical characteristics;
- Personal beliefs;
- Willingness to challenge harassment (leading to victimisation);
- Membership, or non-membership of a trade union.

Harassment on these or any other grounds will not be tolerated.

Harassment can range from violence to less obvious forms like ignoring someone. Whatever the form it will be unwanted behaviour which is unwelcome and unpleasant. Forms include:

- Physical contact;
- Jokes, offensive language, gossip, slander, sectarian songs and letters;
- Posters, graffiti, obscene gestures, flags, bunting and emblems;
- Isolation or non-cooperation and exclusion from social activities;
- Coercion for sexual favours and pressure to participate in political/religious groups;
- Intrusion by pestering, spying and stalking.

Bullying is any persistent behaviour, directed against an individual, which is intimidating, offensive or malicious and which undermines the confidence and self-esteem of the recipient. Examples of bullying include:

- Verbal or physical threats and intimidation;
- Persistent negative comments;

- Unjustified, persistent criticism;
- Humiliating someone in front of others or belittling their opinion;
- Offensive or abusive personal remarks;
- Making false allegations;
- Undervaluing work done or not giving credit where it is due.

All references to harassment in the remainder of this policy should be taken to include bullying.

Legitimate and constructive and fair criticism of an employee's performance or behaviour at work is not bullying. An occasional raised voice or argument is not bullying.

Not all harassment occurs face to face. Written and telephone communications and e-mail are covered by this policy.

Harassment may constitute discrimination under the Equality Act 2010 and accordingly may be unlawful. The perpetrator may be held personally liable for such conduct. In addition, where harassment constitutes a criminal offence, it could render the perpetrator liable to prosecution.

Behaviour need not constitute a criminal offence for it to be subject to disciplinary action under this policy. See [Disciplinary Procedure](#).

## 2. Introduction

---

This policy is intended to enable employees who believe they have been the subject of harassment to take action. It is recognised that the nature of such complaints may mean that employees do not wish to discuss the matter directly with their line manager. This policy therefore seeks to enable complaints to be dealt with by an independent person, while giving employees the option of pursuing a complaint under the established [Grievance Procedure](#).

Any employee who witnesses an incident that she/he believes to be harassment of another member of staff should report the incident in confidence to her/his manager or the Human Resources Officer.

Childhood First undertakes that all complaints or reports of this nature will be dealt with speedily, and treated seriously.

Reference to, and application of, this policy does not deny or inhibit in any way whatsoever, either Childhood First's or the employee's legal rights, responsibilities, obligations or remedies.

## 3. Confidentiality

---

Also see: [Confidentiality Procedures](#).

Every effort will be made to ensure confidentiality when dealing with complaints of harassment.

When the informal procedure is used, confidentiality will be maintained. The complaint will not be discussed with any other persons without the complainant's permission.

When a formal complaint is made and an investigation instigated it may not be possible to guarantee confidentiality. The complainant, alleged perpetrator and any witnesses will be told that any discussion of the issue outside the investigation will lead to Disciplinary proceedings. See [Disciplinary Procedures](#).

## 4. Informal Procedure

---

Wherever possible, employees who believe they have been the subject of harassment should tell the person responsible that they find their behaviour offensive and ask them to stop.

It is recommended that the employee who is the subject of the harassment keep personal notes of all events from the first instance.

If the harassment continues, or the employee is unable to confront the person carrying out the harassment then the employee should report the alleged incident(s) to the Human Resources Officer. Under normal circumstances, it is expected that such a complaint would be made within three months of the alleged incident (or the last of them) taking place.

The Human Resources Officer will, in the first instance, provide assistance and listen to any complaint, treating it sensitively, seriously and confidentially. Their objective will be to help complainants decide what course of action to take by reviewing options.

## 5. Formal Procedure

---

If the employee concerned wishes to pursue the matter further, she/he will be asked to make a formal complaint to the line manager (normally the Director) of the person alleged to have carried out the harassment, or to the Human Resources Officer.

Where a complaint has been made, an investigation will take place to determine whether or not disciplinary action should be taken in accordance with the established. See [Disciplinary Procedures](#).

Where appropriate, the alleged perpetrator will be transferred to another work area during the investigation process, or suspended.

If the Human Resources Officer or the appropriate manager decides that disciplinary action should not be taken, the person who made the complaint will be advised accordingly.

If it is decided that disciplinary action should be taken, the alleged perpetrator will be entitled to be accompanied by a colleague or trade union representative throughout all stages of the investigation and the Disciplinary Procedure.

Where the investigation shows that the complaint is well founded, it may be necessary to relocate or transfer one of the parties. The complainant will not be expected to move, but will be offered the choice.

In some instances where the complaint cannot be substantiated it may still be necessary to relocate or transfer one of the parties. Again the complainant will not be expected to move, but will be offered the choice.

If it is established that an employee has made a deliberately false or malicious complaint of harassment against another person, disciplinary action may be taken against that employee.

Appeals against any part of this policy and/or procedure may be made through the established [Grievance Procedure](#).

## 6. Responsibility of Managers

---

All managers and others in charge of groups of staff are responsible for ensuring that harassment does not occur in their work area. In particular, they must ensure that:-

- They fully understand Childhood First's Policy on Harassment and are able to offer advice on it and on the Disciplinary Procedure as it relates to a complaint of harassment when required to do so;
- They advise and inform their team in order to increase awareness and understanding of this policy;
- Their work environment is free of visual harassment such as pin-ups and graffiti;
- They are alert to all forms of harassment in their work area, and deal with it immediately, whether or not it is brought formally to their notice;
- They are supportive of individuals who state that they have been harassed and take full account of their feelings in handling any complaint;
- They maintain confidentiality relating to all aspects of cases of harassment and do not mention or discuss the case unnecessarily with any person not involved in its investigation;
- Following the allegation of harassment, they ensure that there is no further harassment or victimisation; and
- They attend any training session which may be arranged to increase their awareness of the issues involved in harassment.

Childhood First will not tolerate intimidation, victimisation or unfair discrimination against any employee who makes a complaint of harassment or who assists in an investigation of alleged

harassment. Retaliation against an employee who complains of harassment can be expected to lead to disciplinary action, including, in appropriate cases, dismissal.

## 7. Key Legislation

---

- The Equality Act 2010;
- Data Protection Act 2018.



| Copyright © [tri.x](#) |

visibility: |  
 [favourites](#) |  
 [print](#) |