



## Staff Bullying and Harassment Complaint Procedure

### Introduction

Kids Club Ely Ltd is committed to ensuring equal opportunities and fair treatment in the workplace for all its staff. One of the key aims of the policy is to enable Kids Club Ely Ltd to provide a working environment in which all staff feel comfortable and in which everyone is treated with respect and dignity, regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, disability or any other personal factor or quality.

This policy should be read in conjunction with the company's staff code of conduct, which aims to ensure that no employee or other worker within the company is subjected to any form of harassment or bullying. The purpose of this policy is to provide a route for members of staff who believe that they have been harassed or bullied to raise a complaint either informally or formally.

Kids Club Ely Ltd will treat all complaints of harassment seriously and will investigate them promptly, efficiently and in confidence. The main aim of this policy is to provide a framework for resolving complaints of harassment or bullying and for stopping any behaviour that is causing offence or distress.

### Right to report harassment/bullying

Employees have an absolute right to complain if they are treated in a manner that they believe constitutes harassment or bullying. This will include behaviour that has caused offence, humiliation, embarrassment, or distress. Apart from complaints about the behaviour of colleagues, employees have the right to complain if they believe that they have been bullied or harassed by a third party, for example a customer, client or supplier.

Employees who raise a genuine complaint under this policy will, under no circumstances, be subjected to any unfavourable treatment or victimisation as a result of making a complaint.

However, if it is established that an employee has made a deliberately false or malicious complaint against another person about harassment or bullying, disciplinary action will be taken against that employee.

Any employee who witnesses an incident that they believe to be the harassment or bullying of another member of staff should report the incident in confidence either to their line manager or to either of the company Directors. Kids Club Ely Ltd will take all such reports seriously and will treat the information in strict confidence as far as it is possible to do so.

### **How to make a complaint**

Before raising a formal complaint, the employee is encouraged in the first instance, if they feel comfortable to do so, to talk directly and informally to the person whom they believe are harassing them and explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence, and request that it stop immediately. It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for formal action.

The employee may want to add that, if the behaviour continues, the employee intends to make a formal complaint. The employee should keep a note of the date and what was said and done. This will be important evidence if the unacceptable behaviour continues and the employee wishes to make a formal complaint. Where an employee would like support to make such an approach, they should contact their line manager or either of the company Directors

If, however, the employee feels unable to take this course of action, or if they have already approached the person to no avail, or if the harassment is of a very serious nature, they may elect to raise a formal complaint. In the case of complaints about bullying or harassment, the normal grievance procedure is modified so that the employee can raise a complaint with either the employee's line manager or, if preferred, either of the company Directors.

In bringing a complaint of harassment/bullying, the employee should ideally be prepared to state:

- the name of the person whose behaviour they believe amounts to harassment or bullying;
- the type of behaviour that is causing offence, together with specific examples if possible;
- dates and times when incidents of harassment or bullying occurred, and where they occurred;
- the names of any employees who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person; and
- any action that the employee has already taken to try to deal with the harassment.

## **Responsibility of line managers to deal with complaints**

Managers who receive a complaint of harassment have a duty to investigate the matter promptly, thoroughly and objectively and, where necessary, to take action under the disciplinary procedure in order to ensure that the company's dignity at work policy is complied with. Line managers should be responsive, sensitive and supportive towards any employee who raises a complaint of harassment or bullying.

Managers will maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, the identity of the employee complaining of harassment or bullying and the nature of the allegations must be revealed to the person they are complaining about, so that person is able to respond to the allegations. Some details may also have to be given to potential witnesses but this will be limited as far as possible, while ensuring a fair and sufficiently thorough investigation. The importance of confidentiality will be emphasised to witnesses.

## **Dealing with the complaint**

Wherever possible, Kids Club Ely Ltd will try to ensure that the employee complaining of harassment or bullying, and the alleged harasser are not required to work together while the complaint is under investigation. This could involve working at different hours or on different days, or where this is not possible, remaining at home on special leave, if agreed.

In the case of serious allegations, Kids Club Ely Ltd may suspend any employee who is under investigation for harassment or bullying for a temporary period while investigations are being carried out and any disciplinary proceedings are underway. Such suspension will be for as short a time as possible and will be on full pay. Suspension in these circumstances does not constitute disciplinary action.

Any employee accused of harassment or bullying will be informed of the complaint against them and afforded a full opportunity to challenge the allegations and put forward an explanation for their behaviour in a confidential interview, with a companion present if they wish. No employee will be presumed guilty following an allegation of harassment or bullying against them.

Kids Club Ely Ltd regards all forms of harassment and bullying as serious misconduct, and any employee who is found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary dismissal.

If the complaint is not upheld, the line manager will support the complainant, the alleged harasser and the complainant's manager(s) in making arrangements for both employees to continue or resume working and to help repair working relationships. Kids Club Ely Ltd will consider making arrangements to avoid the complainant and the alleged harasser having to continue to work alongside each other or either of them do not wish to do this and if it is reasonably practical.

Employees have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that the employee knows to be untrue may lead to disciplinary action being taken.

Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings. There are strict time limits for bringing claims of unlawful discrimination to an employment tribunal.

### **Disclosure and confidentiality**

Kids Club Ely Ltd will maintain records of investigations into alleged incidents of harassment or bullying, the outcome of the investigations and any corrective or disciplinary action taken. Kids Club Ely Ltd treats personal data collected during this process in accordance with its Data Protection Policy. Information about how employees' data is used and the basis for processing data is provided in the company's Employee Privacy Notice.