



Anti-Bullying and Harassment Policy

Responsible Person	Directors
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Review by	SP

Everyone will be treated with dignity and respect at CM Sports/ CM Foundation. Bullying and harassment of any kind are in no-one's interest and will not be tolerated in the workplace; this includes bullying or harassment of staff by visitors to CM Sports/ CM Foundation.

This policy applies to all Trustees, members, volunteers and staff on and off the premises, including those working away from their main office, place of work.

Bullying and harassment will be treated as disciplinary offences.

What are Bullying and Harassment?

Harassment, in general terms is unwanted conduct affecting the dignity of anyone in the workplace, where actions or comments are viewed as demeaning and unacceptable to the recipient.

It may be related to age, gender, race, disability, religion, belief, sexuality, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident.

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual or involve groups of people. It may be obvious or it may be insidious. It may be face to face or in written communications, electronic (e)mail, phone. Whatever form it takes, it is unwarranted and unwelcome to the individual. It may take place in private or in public.

For further guidance see: www.gov.uk/workplace-bullying-and-harassment

Examples of bullying/harassing behaviour include:

- spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of race, sex, age, disability, sexual orientation and religion or belief);
- copying memos that are critical about someone to others who do not need to know;
- ridiculing or demeaning someone - picking on them or setting them up to fail;
- exclusion or victimisation;
- unfair treatment;
- overbearing supervision or other misuse of power or position;
- unwelcome sexual advances - touching, standing too close, the display of offensive materials;

- making threats or comments about job security without foundation;
- deliberately undermining a competent worker by overloading and constant criticism;
- preventing individuals progressing by intentionally blocking promotion or training opportunities.
- Legitimate, 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.

Procedures

Complaints of bullying and/or harassment, or information from staff relating to such complaints, will be dealt with fairly and confidentially and sensitively using the general format set out in CM Sports/ CM Foundation grievance procedures. However, bullying or harassment will not be treated as a standard grievance; it is a serious issue and will be treated as such.

Where complaints of bullying or harassment involve your line manager approaches should be made to another appropriate manager.

Investigation

Complaints will be taken seriously and investigated promptly, objectively and independently. Decisions can then be made as to what action needs to be taken.

Informal action

If appropriate, the matter will be dealt with informally; 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.

Formal action

More serious cases of bullying or harassment will be dealt with under CM Sports/ CM Foundation's disciplinary procedures.

Where bullying or harassment amounts to gross misconduct, dismissal without notice may be appropriate.

The person making the complaint will not be moved unless they ask for such a move.

Counselling

Counselling may be considered, particularly where investigation shows no cause for disciplinary action, or where it may be useful to help resolve the issue or help support the person accused as well as the complainant.

Unfounded allegations

Employees lodging a complaint will not be disciplined for doing so unless somebody makes an unfounded allegation of bullying and/or harassment for malicious reasons. The case will then be investigated and dealt with fairly and objectively under the disciplinary procedure.

CM Sports/ CM Foundation's Procedures

The aim of these procedures is to ensure incidents of bullying and harassment can be recognised and dealt with.

How can bullying and harassment be recognised?

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the “grey” areas that cause most problems.

Bullying and harassment can often be hard to recognise – they may not be obvious to others, and may be insidious. The recipient may think “perhaps this is normal behaviour for CM Sports/ CM Foundation”. They may be anxious that others will consider them weak, or not up to the job, if they find the actions of others intimidating. They may be accused of “overreacting” and worry that they won’t be believed if they do report incidents.

People being bullied or harassed may sometimes appear to overreact to something that seems relatively trivial but which may be the “last straw” following a series of incidents. There is often fear of retribution if they make a complaint. Team members may be reluctant to come forward as witnesses, as they too may fear the consequences to themselves. They may be so relieved not to be the target of the bully that they collude with the bully as a way of avoiding attention.

Bullying and harassment makes someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated. Stress, loss of self confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

Why do we need to take action at CM Sports/ CM Foundation?

Bullying and harassment are not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems:

- Poor morale and poor employee relations;
- Loss of respect for managers and supervisors;
- Poor performance;
- Lost productivity;
- Absence;
- Resignations;
- Damage to organisational reputation;
- Tribunal and other court cases and payment of unlimited compensation.

The legal position

Discrimination and harassment

It is not possible to make a direct complaint to a tribunal about bullying. However, employees might be able to bring complaints under laws covering discrimination and harassment.

For more information, look at www.acas.org.uk/bullyingandharassment or http://www3.hants.gov.uk/childrens-services/providers/business-support/childcare-recruitment/childrens-services-childcare-jobs_recandretguide/childrens-services-childcare-recguide14.htm

If you think you or a team member might have been treated unfairly and want further advice, you/ or they can contact the Equality Advisory and Support Service.

Phone:08088000082

Textphone: 0808 800 0084

You can email using the contact form on the EASS website.

Unfair dismissal

CM Sports/ CM Foundation have a duty of care for all their employees. If the mutual trust and confidence between employer and employee is broken – for example through bullying and harassment at work – then an employee can resign and claim “constructive dismissal on the grounds of breach of contract.

Breach of contract may also include the failure to protect an employee’s health and safety at work. Under the Health and Safety at Work Act 1974 employers are responsible for the health safety and welfare at work of all employees.

The Health and Safety Executive’s “Guidance on stress in the workplace” includes the advice that “stress should be treated like any other health hazard” and that employers have a “legal duty to take reasonable care to ensure health is not placed at risk through excessive and sustained levels of stress”.

Action by Management/ Directors

Management and/ or Directors should be clear about the standards of behaviour expected, set a good example in their own behaviour and ensure that individuals are fully aware of their responsibilities to others.

Procedures

Bullying should not be treated as a standard grievance; it is a serious issue and must be treated as such. Complaints of bullying and / or harassment, or information from staff relating to such complaints, must be dealt with fairly and confidentially and sensitively using the general format set out in the CM Sports/ CM Foundation grievance procedures.

Investigation

Complaints must be taken seriously and investigated promptly and objectively. Employees do not normally make serious accusations unless they feel seriously aggrieved. The investigation must be seen to be objective and independent. Decisions can then be made as to what action needs to be taken.

Informal approaches

In some cases it may be possible to rectify matters informally. Sometimes people are unaware that their behaviour is not welcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. It may be that the individual will choose to do this themselves, or they may need support from a manager, a colleague or an employee representative.

When somebody makes an unfounded allegation of bullying and/or harassment for malicious reasons the case should be investigated and dealt with fairly and objectively under the disciplinary procedure.

Third parties:

Third-party harassment occurs where a Company employee is harassed, and the harassment is related to a protected characteristic, by third parties such as clients or customers. CM Sports/ CM Foundation will not tolerate such actions against its staff, and the employee concerned should inform their manager/ Director at once that this has occurred. CM Sports/ CM Foundation will fully investigate and take all reasonable steps to ensure such harassment does not happen again.

Related policies and arrangements; All employment policies and arrangements have a bearing on equality of opportunity. The company policies will be reviewed regularly and any discriminatory elements removed.

Rights of Disabled people; the company attaches particular importance to the needs of disabled people. Under the terms of this policy, managers are required to;

- Make reasonable adjustments to maintain the services of an employee who becomes disabled, for example: training, provision of special equipment, reduced working hours. (NB: managers are expected to seek advice on the availability of advice and guidance from external agencies to maintain disabled people in employment)
- Include disabled people in training/ development programmes
- Give full and proper consideration to disabled people who apply for jobs, having regard to making reasonable adjustments for their particular aptitude and abilities to allow them to be able to do the job.

Equality training; A series of regular briefing sessions will be held for staff on equality issues. These will be repeated as necessary. Equality information is also included in induction programmes. Training will be provided for managers on this policy and the associated arrangements. All managers who have an involvement in the recruitment and selection process will receive specialist training.

CM Sports – Working with children

CM Sports believes that its children have the right to play and learn in a supportive, caring and safe environment.

If behavioural expectations are consistent and reasonable boundaries are in place by caring and supportive coaches, it can minimise the occurrence of bullying.

It is important therefore that CM Sports has a clear written policy to promote this belief.

Bullying affects everyone, not just the bullies and the victims. No one person or group, whether team or child, should have to accept this type of behaviour. Only when all issues of bullying are addressed, will a child best be able to benefit from the opportunities available within CM Sport programmes.

Although bullying in the strongest context of the word does not generally occur within CM Sports, it is recognised by coaches that the children are developing their personalities and friendships, as well as exploring boundaries and appropriate behaviour which can result in conflict and clashes of personality.

Coaches minimise occurrences by being observant and recognising that some children prefer the company of others and some don't. Fully understanding each child and observing them helps with the restorative approach CM Sports uses.

If any level of bullying is suspected observed or reported, the matter will be taken seriously, dealt with promptly and all parties will be supported appropriately and fairly. This will involve working towards a shared understanding of the causes of the behaviour. CM Sports understands that all behaviour is a form of communication and should be recognised as such. Matters will be documented as necessary and reported to Management/ Directors and/ or families and school if deemed necessary.

Whilst there is no legal definition of bullying there is still some Law and guidance which schools and other settings must have regard to. ABA has created a guide about bullying and the Law including about cyberbullying. There is training on bullying and the Law which is free to access. The information below applies to schools in England, which CM Sports can link to as they work within a range of schools.

Some key points:

The Department for Education (DfE) has produced guidance for all schools, including academies and free schools, which outline its duties towards preventing and tackling bullying in schools

The Education Act 2002 Section 175 placed a legal duty on maintained schools and Local Authorities to safeguard and promote the welfare of children.

CM Sports is committed to having an environment free from bullying and harassment. CM Sports recognises the serious consequences of this to the team, children or any other people within the programme. Harassment or bullying will not be tolerated or condoned within work or outside work. CM Sports will not accept any form of bullying, harassment, victimisation, intimidation or behaviour which causes a person distress.

Bullying and harassment is behaviour that makes someone feel intimidated or offended. Harassment is unlawful under the Equality Act 2010.

CM Sport's programmes aims

- To ensure everyone in CM Sports programmes feels comfortable, valued and included.
- The team know how to report and forms of discriminations or bullying and for Management/ Director team know how to respond.

The following principles apply:

- Team members will be made aware of the standards of behaviour expected.
- Harassment and Bully are unacceptable and CM Sports will not tolerate harassment of bullying in any form.
- Any and all complaints will be taken seriously and be treated in a confidential manner.
- Every complaint will be dealt with promptly and objectively.
- Informal discuss with some team members might be needed if a team member might not be aware of their behaviour.
- The Management/ Directors teams investigating the complaint will gather all the evidence.
- The Directors will look at all the circumstances will be considered before reaching a conclusion, if needed they will then follow the disciplinary procedure in line the school procedure.

CM Sports programmes will provide:

- For team members is aware that harassment and bullying is not tolerated in any form.
- Management/ Directors team will take every complaint seriously and deal with it in the correct way.
- The following the procedures for dealing with harassment and bullying linked with the school policy, where they are running the programme.
- Following the disciplinary procedures linked with the school policy if necessary.