

1. Purpose and Scope

1.1 Statement

In support of our value to respect others, Greatham Parish Council will not tolerate bullying or harassment by, or of, any of its employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. The council is committed to the elimination of any form of intimidation in the workplace.

This policy reflects the spirit in which the council intends to undertake all of its business and outlines the specific procedures available to any employees in order to protect them from bullying and harassment. It should be read in conjunction with the Grievance and Disciplinary policy contained in the employee contract, the Members Code of Conduct contained in the Standing Orders, the Equality & Diversity Policy and the Complaints Procedure.

The council will issue this policy to any employees as part of their induction and to all Members as part of their Welcome Pack. The council will also share this policy with contractors, visitors and members of the public.

1.2 Definitions

“Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.”

“Harassment is unwanted conduct that violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.” This usually covers, but is not limited to, harassment on the grounds of the protected characteristics covered in the Equality & Diversity policy which are: age, disability, gender reassignment, marriage and civil partnership, race (including colour, national, and ethnic or national origin), religion or belief, gender and sexual orientation.

These definitions are derived from the ACAS guidance on this topic.

Bullying and harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents.

Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, damage to the council’s reputation and ultimately, legal proceedings against the council and payment of legal fees and potentially unlimited compensation.

1.2 Examples of unaccepted behaviour are as follows; (this list is not exhaustive)

Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, making threats of physical violence against a person or their family, deliberately undermining a competent worker by overloading work and/or constant criticism, blaming a person for others’ mistakes, preventing an individual’s promotion or training opportunities.

Bullying and harassment may occur face to face, in meetings, through written communication, including electronic communication such as email or social media, by telephone or through supervision methods. It may occur on or off work premises, during work hours or non-work time.

1.3 Penalties

Bullying and harassment by any employed persons can be considered examples of gross misconduct which will be dealt with through the Disciplinary Procedure at gross misconduct level and may result in summary dismissal from the council. If elected Members are bullying or harassing employees, contractors, fellow councillors or others who come into contact with the council, then a referral to the District Council reported as a contravention of the Code of Conduct would be an appropriate measure. If an employee is experiencing bullying or harassment from a third party the council will act reasonably in upholding its duty of care towards its employees. In extreme cases harassment can constitute a criminal offence and the council should take appropriate legal advice, often available from the council's insurer, if such a matter arises.

1.4 Legal Position

Councils have a duty of care towards their employees and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal.

Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics outlined in 1.2 above, can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the council and the perpetrator(s) as individual named Respondents.

In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 creates a criminal offence or harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination. Under the 1997 Act, case law has demonstrated that employers can be vicariously liable for harassment received in the workplace where the conduct is viewed as serious or oppressive and unacceptable and that a course of conduct can be established that links incidents separated by long time periods. Under the Act damages for personal injury and distress can be awarded.

2. Process for dealing with complaints of Bullying and Harassment

2.1 Informal approach

Anyone who feels they are being bullied should try to resolve the problem informally in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour, or an intermediary, that their conduct is unacceptable, offensive or causing discomfort. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

2.2 Formal approach

- 2.2.1 Employees:** Where an employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Staffing Committee or another councillor if more appropriate. It may be appropriate that the complaint is put in writing after any initial discussion, as this will

enable a formal Grievance process to be invoked in accordance with the terms set out in the Employment Contract.

- 2.2.2 Others:** Any other party to the council, other than an employee, who feels they are being bullied or harassed should raise their complaint with the council, where possible, if an informal notification to the alleged perpetrator has been unsuccessful at eliminating the problem. The complaint should then be investigated following the council's Complaints Procedure. It is important that the Officer(s) or Member(s) being complained about do not prevent the council operating impartially in its investigation and decision making in this regard.

2.3 Grievance – Employees only

Following the completion of the Grievance process and where it is established that bullying or harassment has taken place, an action plan should be made available to the aggrieved employee to demonstrate how the problem is to be resolved. Intervention or mediation may be required and the council may wish to contact, NALC, SLCC or ACAS to arrange this. At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process hence details of the full grievance may not be shared with the full council without prior approval by the aggrieved party. The council will commit not to victimise the aggrieved party for raising a complaint once the appropriate dispute resolution process has been concluded.

2.4 Disciplinary Action

Following a grievance hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in further action being taken against the perpetrator of the alleged action/behaviour.

For an employee to have been bullying/harassing others this will follow the Council's Disciplinary Procedure and would normally be treated as gross misconduct which could ultimately lead to dismissal.

For Members who the council reasonably believes have been bullying or harassing another person whilst undertaking council activities the range of sanctions available to the council are limited and in the first instance a referral under the Code of Conduct to the District Council would be relevant. However, the Council may feel more generally that training for all councillors in particular skill areas may be appropriate such as code of conduct, chairmanship and interpersonal communication.

A referral to the police under the Protection from Harassment Act 1997 may also be appropriate in extreme cases.

This list is not exhaustive.

2.5 False Allegations

False or malicious allegations of harassment or bullying which damage the reputation of a fellow Member or an employee will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure or the Code of Conduct process.

3. Responsibilities

All parties to the council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed then each individual can challenge the perpetrator and ask them to stop. There needs to be effective management of employee performance delivered by the Staffing Committee with dialogue occurring on a face to face basis in confidential surroundings. Bullying is more likely to be complained about when individual Members criticise staff, often without objective evidence, without the mandate from the corporate body of the council and in environments which are open to the public by way of blogs, social media comments or in the pub or local environment.

The council undertakes to share this policy with all Members and employees and request that each party signs to demonstrate acceptance of its terms. All new Members and employees will be provided with a copy of this policy.

If requested, Members or employees can undertake training in the processes required by this policy.

This policy was adopted at the Annual Meeting held on 13th May 2019 and the following Officer and Members signed to demonstrate acceptance of its terms:

Jane Ives, Parish Clerk

Cllr Tim Butler, Chairman

Cllr Mark Rodbert, Vice Chairman

Cllr Adam Cheesman

Cllr Andrew Crick

Cllr Tricia Driver

Cllr Susie Harris

Cllr Oliver Rook