



## **BULLYING AND HARASSMENT POLICY**

### **1. Introduction**

- 1.1 The Council considers bullying and harassment unacceptable, and will take all necessary steps to eliminate such behaviour. The Council has a legal duty to ensure that staff members are not exposed to any unnecessary risks associated with this behaviour.
- 1.2 Following changes to the Sex Discrimination Act in April 2008, the Council is duty bound to protect its employees from sexual harassment from customers and members of the public. Employees will be entitled to claim damages if the Council fails to take reasonable steps to protect them after being made aware of any incidents.
- 1.3 The Council has a duty of care towards all staff and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974.

### **2. Procedures**

- 2.1 Staff members may experience bullying and harassment by members of the public. This behaviour can be either:

#### Verbal

- Via the telephone
- Face to face with the member(s) of the public
- Written correspondence
- Via email or cyberstalking

#### Or physical

- Assaults or violence, or the threat of assault or violence towards the staff member
- Damage to the staff members property
- Inappropriate sexual behaviour

- 2.2 In the first instance, all incidents must be reported to the staff member's line manager. In the case of the most senior employee, all incidents must be reported to the Chairman of the Personnel Committee. A comprehensive note of the incident must be made. Details should include:

- date
- time
- type of incident
- details of incident
- if known, the name and address of the member of the public involved, and the names and addresses of any witnesses to the incident

- 2.3 If the incident relates to correspondence received, either written or electronic, the correspondence should be retained as evidence and no response should be made.

- 2.4 If the incident relates to a telephone call which is recorded, or where a message has been left on an answering service, the message should be retained as evidence and no response should be made.
- 2.5 Upon receipt of a reported incident, the Personnel Committee must determine if the incident is severe enough to report to the Police. In the case of physical assaults or violence, all incidents will be reported to the Police.

### **3. Sanctions**

- 3.1 If the Personnel Committee considers an incident serious enough to report to the Police, the Council will take advice from the Police with regard to any appropriate sanction.
- 3.2 If the Personnel Committee does not consider an incident serious enough to report to the Police, they may decide to attempt to resolve the problem directly with the member of public, with the aim to receive an apology and guarantee of no future repeat of the behaviour which gave rise to the incident.
- 3.3 If it is proved that a member of the public has bullied a staff member, the Council reserves the right to impose sanctions against that member of the public, including:
- blocking the member of public's email address and accepting no future emails
  - reporting emails to the member of the public's Internet Service Provider
  - banning the member of the public from the Council offices or other Council owned buildings

### **4. Incidents involving Councillors**

- 4.1 The Council considers bullying and harassment of staff members by Councillors equally unacceptable. Procedures for dealing with incidents of this nature are set out under the Member Code of Conduct.