

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. 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.
- 1.4 Harassment is a discriminatory act and is also a criminal offence. Harassment cannot be defined simply but in essence can be viewed as any act, conduct or behaviour which is unwelcome and which an individual finds intimidating, upsetting, embarrassing, humiliating or offensive.

2. Definition of harassment and bullying

- 2.1 Staff members may potentially experience bullying and harassment from colleagues, suppliers, members of the public and / or other visitors to the council. This behaviour can be either:
- Verbal
 - Via the telephone
 - Face to face
 - Via written correspondence
 - Via email or social media
 - Via cyber-stalking
 - Physical
 - As a result of an assault or violence, or a threat of assault or violence
 - Damage to a staff members personal or allocated council property
 - Inappropriate sexual behaviour
 - Forms of harassment can include, but are not limited to:
 - persistent requests for social activities (after it has been made clear that such requests are unwelcome) or other persistent unwelcome attention or pressure of a personal or sexual nature;
 - offensive, suggestive patronising or belittling remarks;
 - intimate questions;
 - foul or obscene language;
 - inappropriate jokes, 'banter', teasing, innuendos, nicknames, ridicule or insults;
 - inappropriate comments about clothes, physical appearance, body, or abilities;

- displaying or sending suggestive or offensive pictures, posters, objects or written materials, screen savers, graffiti, emails, SMS, instant messages or any other method of digital communication;
- whistling and suggestive or offensive gestures;
- leering or staring at a person's body, or part of their body;
- deliberate ignoring or isolation of a member of staff, including exclusion from social media which serves to isolate or criticise/complain about a staff member;
- inappropriate physical contact, such as touching, caressing, hugging or indecent assault;
- threats, assault or coercing sexual acts;
- promises or threats, concerning employment or conditions, in exchange for sexual favours.

Such behaviour is unacceptable as it violates the dignity of individuals at work and can create a hostile, degrading, humiliating or offensive working environment.

The test applied to establish if a person is being harassed is that the behaviour is UNWELCOME, UNINVITED AND UNRECIPROCATED.

- Forms of bullying can include but are not limited to:
 - repeated aggression (whether verbal, psychological or physical), conducted by an individual or group against another individual or group;
 - persistently criticising, condemning and/or humiliating an individual;
 - conduct or behaviour which is offensive, abusive, intimidating, malicious, insulting, abusive of power or that results in unfair sanctions;
 - giving someone tasks to do in the full knowledge that they cannot be achieved;
 - unpleasant or over-repeated jokes about a person;
 - removing responsibility without good reason or knowingly withholding work-related information; and
 - behaviour which causes an individual to feel ignored, marginalised or excluded, including exclusion from social media which has the effect of isolating or criticising/complaining about a staff member. Staff members should refer to the social media policy for more details.

- In cases of both harassment and bullying, it should be noted that it is the impact of the behaviour or conduct on the recipient that is most relevant and not necessarily the motive or intent behind it.

3. Initial reporting procedure

3.1 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 chair 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 of the person accused of harassment and/or bullying (and if that person is not a staff member, their home address if known)
- the names of any witnesses to the incident (and if witnesses are not staff members, their home address if known)

3.2 If the incident relates to correspondence received, either written or electronic (i.e. SMS text messages, direct social media messages or email), the correspondence should be retained as evidence and no response should be made.

3.3 If the incident relates to a telephone call which is recorded, or where a message has been left on an answering service, the message or recording should be retained as evidence and no response should be made.

3.4 If the incident relates to cyber-stalking or social media, screen shots should be retained as evidence and no response should be made.

3.5 Upon receipt of a reported incident, the Town Clerk 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.

4. Complaints procedure for harassment or bullying between staff members

4.1 If a staff member encounters bullying or harassment by another staff member, it is vital that they make the person responsible aware that their remarks or conduct are offensive to them. This should be done in a simple, straightforward way.

4.2 It is recognised that complaints of harassment or bullying are often of a sensitive or worrying nature and that it may be difficult to speak directly to the other person involved. If this is the case, the staff member should put their request in writing and hand it or email it to the harasser or bully.

4.3 Staff members wishing to address this kind of behaviour may seek advice from the Town Clerk, in the first instance, or Chair of the Personnel Committee on how to address the matter. If appropriate an informal meeting with both parties may be held by the Town Clerk in order to address the matter in a conciliatory and constructive manner. Both parties need to agree to this approach.

4.4 If the informal approach fails or if the staff member believes that the harassment or bullying is of a very serious nature, they must bring the matter to the attention of the Clerk, in the first instance, or the Chair of the Personnel Committee via a written formal complaint, including information referred to in clauses 3.2-3.6 above.

4.5 The council will balance carefully the need for confidentiality to be maintained at all times by all parties involved in the investigation, with the need to investigate the complaint fully and consider the response of the person(s) alleged to have carried out the harassment or bullying.

- 4.6 If a staff member makes a formal complaint, it will be dealt with under the council's grievance policy and if appropriate the council will take action to separate the victim from the alleged harasser or bully.
- 4.7 If an investigation resulting from a formal grievance shows that there are sufficient grounds for a complaint of harassment or bullying against one or more staff members, the matter will be dealt with under the council's disciplinary policy. Staff members should be aware that harassment or bullying in breach of this policy can amount to gross misconduct.
- 4.8 If a staff member brings a complaint of harassment or bullying they will not be victimised for having brought the complaint. However, if after a full investigation, the Company has grounds to believe that the complaint was brought by a staff member with malicious intent, or is deemed vexatious in nature, they may be subject to disciplinary action under the council's disciplinary policy and procedure.
- 4.9 Staff members have the right to appeal any decision made as a result of a grievance raised, or resulting from disciplinary action and should refer to these specific policies for more details about the relevant appeal process.

5. Action resulting from a complaint of bullying and harassment

- 5.1 If the Town Clerk considers an incident serious enough to report to the police, the council will take advice from the police with regard to any appropriate sanction, excluding any sanction related to internal disciplinary action.
- 5.2 If the Town Clerk does not consider an incident serious enough to report to the police, they may decide to attempt to resolve the problem directly with the aim to receive an apology and guarantee of no future repeat off the behaviour which gave rise to the incident.
- 5.3 Any incidence of bullying and / or harassment of or by staff members should be reported to the Personnel committee either via the Town Clerk or directly by the staff member.
- 5.4 If it is determined that a member of the public has bullied or harassed a staff member, the council reserves the right to impose sanctions against that member of the public, including:
- Blocking the member of the public's email address and accepting no further 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

6. Incidents involving councillors

The Council considers bullying and harassment of staff members by councillors equally unacceptable. If a complaint is made and a grievance regarding bullying or harassment by a councillor is upheld, this will be reported to the monitoring officer.