



## **BULLYING AND HARASSMENT POLICY**

### **1 Purpose and Scope**

#### **1.1 Statement:**

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

1.1.2 This policy reflects the spirit in which the Town Council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the Town Council's procedures on Grievance and Managing Employee Performance and also, the Member-Officer Protocol.

1.1.3 The Town Council will issue this policy to all employees as part of their induction and to all members as part of their Welcome Pack. The Town Council may also wish to share this policy with contractors, visitors and members of the public.

#### **1.2 Definitions** (Derived from ACAS (Advisory, Conciliation and Arbitration Service) guidance on the topic)

1.2.1 **Bullying** "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".

1.2.2 **Harassment** is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This policy covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

1.2.3 Both bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others, turnover, damage to the Town Council's reputation and ultimately, Employment Tribunal or other court cases and payment of unlimited compensation.

#### **1.3 Examples of Unacceptable Behaviour** (This list is not exhaustive)

1.3.1 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, deliberately undermining a competent worker by overloading work and/or constant criticism, preventing an individual's promotion or training opportunities, publicly commenting about an individual's performance who is not present to defend themselves. Bullying and harassment may occur face-to-face, in meetings, through written communication, including e-mail, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

## **1.4 Penalties**

1.4.1 Bullying and harassment are considered examples of serious misconduct which will be dealt with through the Managing Employee Performance Procedure and may result in dismissal from the Town Council for employees or through referral to South Gloucestershire Council's Monitoring Officer as a contravention of the Member's Code of Conduct which may result in penalties against the member concerned. In extreme cases harassment can constitute a criminal offence and the Town Council should take appropriate legal advice, sometimes available from the Town Council's insurer, if such a matter arises.

## **1.5 The Legal Position**

1.5.1 Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. Under the Equality Act 2010 bullying or harassment may be considered unlawful discrimination and the legal definition of "Third Party Harassment" has been introduced which makes the employer vicariously liable for harassment from other parties such as parishioners, contractors etc. and it must take reasonable steps to manage such situations which could include seeking legal redress on behalf of an employee or member of the Town Council. In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of 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.

## **2. Process for Dealing with Complaints of Bullying and Harassment**

### **2.1 Informal Approach**

Anyone (employee, contractor, member or visitor) who feels he or she is being bullied or harassed 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 that their conduct is unacceptable, offensive or causing discomfort. In the interests of maintaining good working relations, the employee is encouraged to discuss any grievance first with his/her Line Manager or the Town Clerk with a view to resolving the matter informally if appropriate. If the employee feels that this is not appropriate, or he or she wishes to pursue a formal grievance, they should follow the procedure detailed below.

### **2.2 Formal approach**

#### **2.2.1 Employees**

Where the employee feels unable to resolve the matter informally, any complaint about harassment or bullying should be put in writing and a copy to the employee's Line Manager or the Town Clerk. This will enable the formal Grievance Procedure to be invoked. (See the Town Council Grievance/ Managing Employee Performance Procedures)

#### **2.2.2 Others**

Any other party to the Town Council (other than an employee) who feels he or she is being bullied or harassed should raise their complaint with a Town Councillor, where possible, or the Monitoring Officer at South Gloucestershire Council if an informal notification to a member has been unsuccessful at eliminating the problem or where a member is directly involved in the bullying or harassment. The complaint should then be investigated and a hearing held to discuss the facts and recommend the way forward. A member of the public

who feels s/he has been bullied or harassed by any members or officers of a Town Council should use the Town Council's official Complaints Policy.

## 2.3 Disciplinary Action

2.3.1 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 disciplinary action being taken against the perpetrator of the alleged action/behaviour.

2.3.2 For an **Employee** found to have been bullying/harassing others this will follow the Town Council's Managing Employee Performance Procedure.

2.3.3 For **Members** who the Town Council reasonably believe have been bullying or harassing another person(s) whilst undertaking Town Council activities, the action taken must be reasonable and in some cases counselling or training in appropriate skill areas (e.g. inter-personal communication, assertiveness, chairmanship), may be more appropriate than a penalty. The range of disciplinary sanctions available to the Council, where a member has been involved in bullying/harassment include; admonishment and an undertaking not to repeat the process, removal of opportunities to further harass/bully, banning from committees of the council and representation on any outside bodies, a referral to South Gloucestershire Council's Monitoring Officer (or equivalent) by the council and/or the aggrieved victim. There may also be a referral to the Police under the Protection from Harassment Act 1997, or a claim to an Employment tribunal for Third Party harassment (for harassment relating to one of the protected characteristics under the Equality Act) in the most extreme cases. (This list is not exhaustive).

## 2.4 False Allegations

2.4.1 False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/member will not be tolerated and will be dealt with as serious misconduct under the Managing Employee Performance Procedure and/or a referral to South Gloucestershire Council's Monitoring Officer.

## 3 Responsibilities

3.1 All parties to the Town 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.

3.2 The Town Council undertakes to share its policy with all members and workers 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.

3.2 A review of the policy shall be undertaken each year (or as appropriate) and necessary amendments will be undertaken by the Town Clerk and reported to Full Council for approval. The Council will undertake to ensure that its members and workers are trained in the processes required by this policy as deemed appropriate.

## 4 Useful Contacts

- ACAS [www.acas.org.uk](http://www.acas.org.uk) (08457 474747)
- SLCC [www.slcc.co.uk](http://www.slcc.co.uk) (Advisory Note 24)

Signed: ..... Date: .....