

HERMITAGE PARISH COUNCIL
ANTI-BULLYING AND HARASSMENT POLICY
ADOPTED MARCH 2018

Introduction

Hermitage Parish Council is an equal opportunities organisation and as such is committed to eliminating harassment and bullying to create a productive environment where everyone is treated with respect.

Purpose and Scope

HPC will not tolerate bullying or harassment by, or of, any of its employees, members, contractors or visitors to the council. It is committed to the elimination of any form of intimidation in any work or activity it is involved in.

This policy reflects the spirit in which the council undertakes its business and outlines the specific procedures available to employees, councillors and contractors in order to protect them from bullying and harassment. It should be read in conjunction with the council's Complaints Procedure and Standing Orders.

The council will issue this policy to all new employees and councillors as part of their induction. Through its web site, the council will share this policy with all other interested parties.

Definition

Bullying and harassment means any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended. It is not necessarily always obvious or apparent to others and may happen in the work environment without the awareness of anyone else.

Bullying or harassment can be between two individuals or it may involve groups of people. It might be obvious or it might be insidious. It may be persistent or an isolated incident. It can occur in written communications, by phone or through email, not just face-to-face.

Examples of bullying/harassing behaviour could include:

- spreading malicious rumours, or insulting someone
- exclusion or victimisation
- unfair treatment
- deliberately undermining a competent worker by constant criticism.

Under the Equality Act 2010, harassment is unwanted conduct which is related to one of the following: age, disability, gender reassignment, race, religion or belief, sex and sexual orientation and is therefore unlawful.

(The above definitions are taken from ACAS Advice and Guidance current when this document was approved.)

What to do if you are a victim

1. Informal approach:

Anyone who feels they are 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, 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. Formal approach:

a. 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 Clerk or with the Chair if more appropriate. If the complaint is between the Clerk and the Chair, the Vice Chair should be involved instead. It may be appropriate for the complaint to be put in writing after the initial discussion so that both parties are in agreement and a grievance procedure can be begun if appropriate.

b. Others:

Anyone other than an employee, eg contractor, who feels they are being bullied or harassed and an informal approach has not worked or is not appropriate, should raise their complaint with the Clerk to the council. The complaint should then be investigated and a meeting/hearing held to discuss the facts and recommend the way forward. A member of the public who feels they have been bullied or harassed by any Councillor should use the parish council's official Complaints Procedure.

Details of all complaints relating to bullying and/or harassment will be held in the strictest confidence

Grievance – employees only

A meeting to discuss the complaint with the complainant will normally be arranged within five working days of a written complaint being received. Present at this meeting will be the complainant with a supporter of their choice, which can be a trades union representative, and the council's Chairman (or Vice if appropriate) and one other councillor. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved.

A full investigation of the complaint will be held. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The meeting will publish its recommendations following deliberation of the facts. An action plan will be made available to the complainant to demonstrate how the problem is to be resolved. It may be decided that mediation is required and the council should contact BALC, an employer's body or ACAS to this effect or may offer counselling or training. The employee will have a right of appeal as established by the Employment Act 2002. 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 will not be shared with the full council without prior approval by the complainant. The council will commit not to victimise the complainant for raising the complaint once the appropriate grievance/disciplinary process has been concluded.

Penalties

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.

Bullying and harassment by a councillor or any one acting for the council can be considered as gross misconduct and may result in summary dismissal from the council or sanctions. Sanctions may include; admonishment, issuing an apology or giving an undertaking not to repeat the behaviour, removal of opportunities to further harass/bully such as removal from a committee(s) where direct contact with the employee or decision-making about that employee will take place, or removing the

right to representation on any outside bodies where there will be contact with the employee who has raised the complaint.

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 own employees. In extreme cases, harassment can constitute a criminal offence and the council should take appropriate legal advice if such a matter arises.

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

False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/councillor will not be tolerated and will be dealt with as serious misconduct.

The legal position

Councils have 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 of 2010 bullying or harassment may be considered unlawful discrimination.

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. In addition, a harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal for sexual, racial, disability or age discrimination.

Responsibilities

All parties to the Parish 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, an individual can challenge the perpetrator and ask them to stop. Through its web site, the council will share its policy with everyone. All new employees and councillors will be provided with a copy of this policy.

A review of the policy shall be undertaken bi-annually to ensure the council always acts lawfully and anyone in contact with the council feels valued and safe.