

South Petherwin Parish Council

Dignity at Work (Bullying and Harassment) Policy

Statement: In support of our value to respect others South Petherwin 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 it serves. 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 all employees in order to protect them from bullying and harassment.

This policy should be read in conjunction with the Council's policies on Grievance and Disciplinary handling, Complaint handling, including the Unreasonable, Vexatious and Persistent Behaviour Policy and the Code of Conduct.

The Council will issue this policy to all employees as part of their induction and to all members as part of their induction pack.

Purpose of the Policy

To set out how the Parish Council and its Officers deal with situations in which any of its employees, officials, members, contractors, visitors to the Council or members of the public are subject to bullying, intimidation, harassment and abusive behaviours.

1. Introduction

- 1.1 This policy identifies situations where an employee, councillor, member of the public, contractor or any other person having business with South Petherwin Parish Council, may suffer distress or vexation as the result of the behaviour, attitude or language of another person or persons whom they are obliged to interact with on Council business.
- 1.2 The Parish Council recognises verbal and physical abuse, harassment, persistent vexatious contact or complaint and any other unforeseen situation in which distress is caused to any person as encompassed by this policy.
- 1.3 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, turnover, damage to the Council's reputation and ultimately, legal proceedings against the Council and payment of legal fees and potentially unlimited compensation.

2. Definitions

- 2.1 These definitions are derived from the ACAS guidance on the 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.
- 2.2 **Bullying.** "Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse 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."

2.3 **Harassment** is “Unwanted conduct that violates a person’s dignity or creates intimidating, hostile, degrading, humiliating or offensive environment”. This usually 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.

2.4 In this policy the term **Habitual** means ‘done repeatedly or as a habit’. The term vexatious is recognised in law and means ‘denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant’. This policy intends to assist in identifying and managing persons who seek to be disruptive to the Parish Council through pursuing an unreasonable course of conduct.

3. Bullying and Harassment

3.1 Any person who is in a situation in which they are feeling psychological distress or feels at immediate risk of physical harm should physically remove themselves from that situation as soon as possible. If violence is threatened or used, the police should be called as soon as is practicable and the incident reported even if no charges are made.

3.2 In the first instance, all complaints relating to bullying or harassment should be addressed to the Chair of the Parish Council via the Clerk (or Vice Chair if the Chairman is implicated). If the issue relates to an employee of the Council then the HR Committee should be notified immediately.

3.3 Examples of bullying/harassing behaviour include:

- Spreading malicious rumours, or insulting someone by word or behaviour (copying memos that are critical about someone to others who do not need to know, ridiculing or demeaning someone – picking on them or setting them up to fail)
- Exclusion or victimisation
- Unfair treatment
- Unfair and/or destructive criticism
- Intimidating behaviour e.g. unwanted physical contact, physical threats or abusive gestures
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances – touching or standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Verbal abuse e.g. propositions or remarks, innuendos, jokes, lewd comments or abusive language or spreading of unfounded rumours
- Dehumanisation or ridicule
- Setting unrealistic deadlines
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Criticism in public
- Behaviour – inappropriate jokes and/or comments
- Inappropriate comments on social media

3.4 Bullying and harassment are not necessarily face to face. They may also occur in written communications, emails, and telephone calls and on social media.

4. Role of Councillors and Staff

Councillors and staff will have the following responsibility:

- Compliance with the policy; and
- Treating everyone with dignity and respect

5. Procedure for Handling Allegations of Harassment, Workplace Bullying or Victimisation

- 5.1 Workplace bullying or victimisation will be thoroughly investigated and may be treated as a disciplinary matter by the Councils. All complaints must be taken seriously, in a non-judgemental manner and dealt with promptly.
- 5.2 The Council will not tolerate victimisation as a result of reporting incidents of harassment and bullying. If a member of staff feels that they are being victimised then every possible support will be given. All matter will be treated in the strictest confidence to ensure the dignity of the person(s) concerned.
- 5.3 Those found to be responsible for harassment can also be held personally liable and may be deemed to have committed a criminal act and be liable for prosecution.
- 5.4 The complainant has the right to redress through either the informal or formal procedure.

6. Informal Resolution Procedure

- 6.1 Even with promoting a culture of civility and dignity within the Council there may be rare occasions where a situation arises resulting in upset through inappropriate behaviour.
- 6.2 If a complainant decides to take the matter further, they may feel able to discuss the issue directly with the person who has caused the concern, explaining why their behaviour has been unacceptable and asking for it to stop, Alternatively, a letter can be written to the perpetrator or a third party may be called upon to speak to the individual causing concern.
- 6.3 The above actions may be sufficient to prevent further upset, harassment, bullying or victimisation, particularly if the accused is unaware that they may have been causing upset and offence by their actions.
- 6.4 This informal action should be taken as soon as the incident or episodes of incidents become apparent. Any information or action taken to prevent further harassment, bullying or victimisation should be recorded with a note of the date and what was said by all those involved in case this is needed as evidence should the harassment, bullying or victimisation continue or recur.

7. Formal Resolution

- 7.1 A formal complaint may be raised for the following reasons:
- The conduct continues after a direct information approach has been made to the alleged harasser
 - Retaliatory behaviour is experienced
 - The complainant feels too frightened to approach the alleged harasser with or without the help of others.
- 7.2 In this case a complaint will need to be put in writing to the Chairman of the Council or, if the complaint is regarding the Chairman, the Clerk, giving specific details of the actions/incidents about which you are complaining.
- 7.3 Once a letter has been received the matter will be investigated under the Council's Grievance Procedure.
- 7.4 The Clerk (or in the case of the Clerk, the Staffing Committee) will discuss your complaint with you and you will be informed of the decision and any action to be taken.

7.5 If informal measures are not appropriate/successful or you wish to proceed straight to the formal process, the Clerk (or in the case of the Clerk, the Staffing Committee) will thoroughly investigate the complaint in accordance with the Complaints Policy and the Grievance Procedure.

7.6 In accordance with South Petherwin Parish Council's Grievance Procedure you will be invited to attend a Hearing. You will be given written notification of the outcome of this hearing and will have the right to appeal.

7.7 Decisions will be made after the hearing about appropriate actions to be taken. These could include taking disciplinary action against the Clerk/Member or, in the case of the harasser being a member of the public, written communication invoking the Council's Unreasonable, Vexatious and Persistent Behaviour Policy.

7.8 It should be noted that if disciplinary action is taken against the alleged bully/harasser, you will be informed that disciplinary action is being taken but will not be informed of the outcome of this or have a right of appeal against the decision of the disciplinary panel. Nor do you have the right to raise a grievance about any decision affecting the harasser/bully following a disciplinary hearing or investigation.

8. Confidentiality

8.1 Claims of harassment and bullying will always be treated seriously and be dealt with in the utmost confidence, with information being shared on a need-to-know basis to enable investigation to be undertaken and resolution to be achieved.

8.2 Confidentiality is vitally important to provide parties concerned with a degree of security and to ensure that all procedural aspects are dealt with sympathetically, impartially and objectively. Any breaches of confidentiality will be treated seriously and may result in disciplinary action.

9. Complaint about Other Parties

9.1 If the matter involves a complaint against the Clerk, you should inform one of the following in this order depending on availability: - Chairman of the Council, Chairman of the Staffing Committee, Vice Chairman of the Council, Vice Chairman of the Staffing Committee, who will determine the most appropriate means of dealing with the complaint. Whoever receives the complaint will report to the Staffing Committee as a matter of urgency.

9.2 If the complaint relates to a Councillor's conduct, you should inform the Clerk and consideration will be given regarding the need to consult the Monitoring Officer to establish the most appropriate way to deal with the matter. Following investigation a report will be submitted to the Full Council.

10. Malicious/Unfounded Complaints

This procedure is designed to protect individuals who raise their concerns. It is accepted that some allegations may arise from genuine misunderstandings. However, making a malicious and unfounded complaint may itself constitute harassment and be dealt with under the disciplinary procedure.

Adopted by South Petherwin Parish Council at its meeting on 13th March 2024