

## Personnel Committee Draft Terms of Reference

**Main Objective/Remit:** To ensure that the Town Council fulfils its objective to be an excellent employer and complies with relevant legal obligations.

**Reports to:** Full Council

**Outside Representatives:** None

**Frequency of Meetings:** Three scheduled meetings per year, otherwise as and when required.

**Member Training requirements:** All Members willing to participate in grievance or disciplinary appeal hearings should be provided with relevant training.

**Working Parties/Panels:** The Town Clerk, in consultation with the Chairperson, can convene panels of three trained committee members to hear appeals in relation to disciplinary and grievance matters. The Chairman can convene a panel to hear a disciplinary, grievance or other personnel issue in relation to the Town Clerk. All hearings will be held in accordance with the Staff Handbook and guidance will be sought from the Council's employment advisors.

### Other Matters:

The public shall be excluded from any matter that would identify an individual member of staff.

Councillors who are not Members of the Committee will not automatically be sent copies of confidential agenda papers.

The Chairperson of the Committee will undertake the Town Clerk's annual appraisal, together with the mayor and deputy mayor, unless otherwise agreed with the Town Clerk.

### Delegated Matters:

- 1.1 To determine requests for the regrading of existing posts within agreed budgets, having considered recommendations from the Town Council's employment advisors.
- 1.2 To determine the detailed implementation of Council policy, where this cannot be decided by officers (for example, where there is a conflict of interest because the decision would directly impact their terms and conditions).
- 1.3 To agree changes to the Council's staffing structure, and associated job descriptions and person specifications, within agreed budgets.
- 1.4 To agree significant additions/changes to the Council's training programme within agreed budgets.
- 1.5 To agree one-off payments to Staff from within agreed budgets.
- 1.6 To agree minor changes to the Staff Handbook.
- 1.7 To consider any other matters delegated to the Committee by full Council.

### Other functions:

- 2.1 To review at least annually the Council's staffing structure and make recommendations to full Council about any change requiring an additional budget allocation.

- 2.2 To review proposed changes to the Staff Handbook and make recommendations about significant amendments to the Town Council.
- 2.3 To review proposed changes to staff contracts of employment and make recommendations about significant amendments to the Town Council.
- 2.4 To consider matters relating to employees' health and safety.
- 2.5 To annually review the Council's training budget and make recommendations to full Council.
- 2.6 To oversee any staffing review or job evaluation process.
- 2.7 To consider any recommendation from the Town Clerk appointment panel and in turn make a recommendation to Full Council.
- 2.8 To consider any proposed changes to the Town Council's pension provision and make recommendations to Full Council.
- 2.9 To develop the Council's approach to apprenticeships.
- 2.10 To consider proposals for staff benefits.
- 2.11 To oversee the recruitment of a new Town Clerk and make a recommendation as to a preferred candidate to Full Council.
- 2.12 To consider any other matters relating to the employment of staff.

## DIGNITY AT WORK POLICY

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[Council] believes that civility and respect are important in the working environment, and expect all councillors, officers and the public to be polite and courteous when working for, and with the council.

### Purpose

[Council] is committed to creating a working environment where all council employees, councillors, contractors and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying

**[Optional – for Councils who have committed to the pledge]** In support of this objective, [Council] has signed up to the Civility Pledge, as a commitment to civility and respect in our work, and politeness and courtesy in behaviour, speech, and in the written word. Further information about the Civility and Respect Pledge is available [NALC](#) & [SLCC](#)

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment;
- ensures that we respond sensitively and promptly; and,
- supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

### Scope

This policy covers bullying and harassment of and by **clerks/chief officers** and all employees engaged to work at [Council]. Should agency staff, or contractors have a complaint connected to their engagement with [Council] this should be raised to their nominated contact, manager, or the Chair of the Council, in the first instance. Should the complaint be about the chair of the council the complaint should be raised to the **deputy chair / council's personnel / staffing committee**.

Agency staff, or contractors are equally expected to treat council colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the council's grievance policy.

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

## The position on bullying and harassment

All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. [Council] will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, [civility and respect pledge], equality opportunities policy, and all other policies and procedures set by the Council.

We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.

### Harassment

- Where a person is subject to uninvited conduct that violates their dignity, in connection with a protected characteristic
- Behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic

### Bullying

- Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.

### **What Type of Treatment amounts to Bullying or Harassment?**

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions, but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear, however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic ( such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due



to their association with someone else (such as harassment related to their partner having a disability for example). See the council's equality and diversity Policy.

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

### **Victimisation**

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

### **Reporting Concerns**

#### **What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)**

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the clerk/or a councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

**What you should do if you feel you are being bullied or harassed by a councillor:** If you are being bullied or harassed by a councillor, please raise this with the clerk/chief officer or the chair of the council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

The council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

**What you should do if you witness an incident you believe to harassment or bullying:** If you witness such behaviour you should report the incident in confidence to the clerk/chief officer or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

**What you should do if you are being bullied or harassed by another member of staff:** If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

#### Informal resolution

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council's policy and must stop. Alternatively, you may wish to ask the clerk/chief officer, your nominated manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you should raise the issue with the chair of the council. (If your concern relates to the chair, you should raise it with the chair of the personnel/staffing committee). The chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the council staff
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The chair (or another appropriate person) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

### Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council's grievance procedure. You should raise your complaint to the clerk/chief officer or the chair of the council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The clerk/chief officer or the chair of the council will appoint someone to investigate your complaint in line with the grievance policy. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred,
- The names of any witnesses and
- Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

The council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to understand better your complaint (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the grievance procedure.



### **The use of the Disciplinary Procedure**

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

*This is a non-contractual policy and procedure which will be reviewed from time to time.*

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### **GUIDANCE FOR USING THE DIGNITY AT WORK POLICY**

This is an example of an employment policy designed for a council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This guidance is provided to support understanding of the policy, and its application, as well as where local adaptations may be required. The guidance is not part of the policy and should be removed from the policy adopted and shared with council employees.

The Dignity at Work Policy will replace a previous 'Bullying and Harassment' Policy, to create a policy that is focussed on encompassing behaviours beyond simply bullying and harassment, and zero tolerance with the aim of dealing with concerns before they escalate. It is important that any commitment made in the policy is applied in practice.

Wording has been suggested to demonstrate a council's commitment to promoting dignity and respect where they have signed up to the NALC, SLCC and OVW Civility and Respect Pledge. Councils that have not signed up to this are requested to consider making this pledge which is based on basic behaviours and expectations of all council representatives to create workplaces that allow people to maintain their dignity at all times. If your council has not agreed to the pledge this wording should be removed.

The policy is drafted with consideration of employment language and terminology that is reflective of a modern working environment, setting a tone that is engaging, collaborative and inclusive. A council may want to update references where relevant to reflect local terminology and structure, however should be considerate of equality, diversity and inclusion.

The examples of bullying and harassment are just that – examples. This should not be considered an exhaustive list.

#### **Notes:**

##### **Protected Characteristics**

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

Discrimination includes treating people differently because of a protected characteristic. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

Examples of harassment related to a protected characteristic could include;

- Making assumptions about someone's ability due to their **age**, or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
- Making fun or mimicking impairments related to a health condition, or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a **disability** to participate in.
- Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of **gender reassignment**.
- **Pregnancy/Maternity** harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant person's stomach.
- Harassment based on **race** could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone's lifestyle based on their ethnicity.
- **Gender** harassment could include not considering people for a job based on gender stereotyping roles, or implementing practices that disadvantage one gender over another. Rude, explicit jokes, even if not directed at an individual, or comments on individuals' dress or appearance.
- Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on **religion/belief**.
- Excluding same sex partners from social events could be both **sexual orientation** and **marriage/civil partnership** discrimination, as could not offering the same work-related benefits.

A person does not need to be employed or have 2 years qualifying service to make a discrimination claim at a tribunal.

- Job applicants who believe they have not been appointed because of a 'protected characteristic' can make a claim.
- New or established employees who are dismissed, or treated unreasonably because of a health condition can make a discrimination claim.
- An employee subjected to harassment can make a discrimination claim at a tribunal.
- An employee asked to retire can make a discrimination claim at a tribunal.

### **Legal risks**

Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.

A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.

The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

### **Culture and behaviour**

We work in eclectic communities and working environments, and a positive culture within the council enables employees with different backgrounds and beliefs to share ideas and shape how the council achieves its objectives for their community.

It is important to recognise that different individuals may find different behaviours bullying or harassing so while there is not always intent to offend or cause harm, that does not mean that the effect of the behaviour has not caused harm or offence.

It can take people a period of time to decide to raise their concerns, as they worry about consequences (perhaps from peers by complaining about a colleague who is popular, or they fear victimisation from the perpetrator or others). The council should consider whether there are opportunities (such as 121s to offer opportunity to reflect on relationships/morale) to identify issues earlier and address negative behaviours. Individuals can often mention concerns they are experiencing but not want to take it further. The council should remind the complainant that it has a zero tolerance to bullying and harassment and remind them of the policy in place to address concerns. If the allegations mentioned are significant, the council may want to suggest that it will need to investigate further, even if a 'grievance' is not raised, so as to ensure that any concerns and risks are managed, and the council is meeting its responsibilities and duty of care as an employer.

Whilst both staff and councillors jointly determine the working culture, councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.

### **Scope**

All council representatives are expected to uphold the values of the Dignity at Work Policy, however this policy sets out how allegations from employees will be managed. As indicated in the policy, concerns from a contractor, agency worker etc. should be raised to the identified person, and an appropriate approach will be considered based on the situation and relationship of the complainant with the council.

Likewise, concerns raised about the behaviour of a contractor or agency worker would not generally be managed via the full process (such as the disciplinary process) but appropriate action would be considered based on the situation. To treat people (such as contractors, or a casual worker) engaged

by the council the same as an employee could blur the status of the employment relationship, so consider seeking professional advice if needed.

### **Managers**

Recognising that councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the clerk/chief officer, another employee of the council, or a councillor depending on the situation. It is good practice to have a clearly identified person who is the responsible 'line manager' or equivalent contact for an employee so that there is clarity on how the employee should report concerns to, who they notify if they are sick or to request leave etc. More often for council employees this may be the clerk/chief officer, and for the clerk/chief officer this could be the chair/deputy Chair, or possibly chair of a staffing/personnel committee.

### **Bullying and harassment & performance management**

The policy sets out that bullying and harassment does not include appropriate criticism of an employee's behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

### **Responsibilities**

All staff and representatives of the council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – councillors, clerks, chief officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

### **During the investigation**

Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.

Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. This could be a councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.



Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it is important to consider their wellbeing and mental health.

Ensure that you communicate regularly with both parties.

The investigation and any subsequent hearing should be completed in accordance with the grievance policy which sets out a process for dealing with concerns. You should ensure that the grievance policy adopted adheres to any local policies and procedures, with consideration of any timescales and escalation routes in your locally adopted policy.

### **Confidentiality**

It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small council it is likely that it will be clear that the accused will know where the accusation has come from. The council representative (clerk/chief officer/councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a council to consider an anonymous complaint, however if the concerns are significant and compromise the council in their duty of care to employees, then consideration of how the deal with the matter may be required.

### **Victimisation**

All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelling a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

### **False allegations**

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure. Such an allegation would be potentially be gross misconduct.

### **Complaints against Councillors**

Following the Ledbury case, the law is clear that any formal complaint about a councillor regarding a breach of the code of conduct must be referred to the Monitoring Officer for investigation (either by the complainant, or the Council with agreement of the complainant). During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council

agrees reasonable measures with the employee to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person about whom the complaint has been made etc.

Careful consideration is required where a grievance is raised against the council as a whole due to lack of support related to councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the council, or require exploration of the councillors behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any councillors where this may relate to the code of conduct. It is a matter of fact whether the complaint is against the council and can therefore be dealt with by the council's grievance procedure or against a councillor and can only be dealt with by the Monitoring Officer.

# CIVILITY AND RESPECT PROJECT



IN COLLABORATION WITH SLCC, NALC, OVW, COUNTY ASSOCIATIONS

ISSUE 4 | AUGUST 2022

## SIGN UP TO THE CIVILITY AND RESPECT PLEDGE

It is evident the vast majority of councillors and officers want to maintain the highest standards of conduct at their council, but unfortunately there are still too many examples of poor behaviour across our sector.

In councils where councillors, the clerk, and staff work in harmony, considerable benefits are provided for the local community and there are many excellent examples of this.

Unfortunately, as we know only too well in our sector there is, and has been a problem with lack of civility and respect in some councils, leading to bullying and harassment. Although this is in the minority it is nonetheless significant and can have a serious detrimental impact on the well-being of those involved, the functionality and finances of the council, as well as the local community.

There is no place for bullying, harassment, and intimidation within our sector and signing up to the Civility and Respect Pledge is one of the ways a council can demonstrate that it is committed to standing up to poor behaviour across our sector, and to demonstrate positive changes which support civil and respectful conduct.

By signing the pledge, your council is agreeing that it will treat councillors, clerks, employees, members of the public, representatives of partner organisations, and volunteers with civility and respect in their roles, and it:

- Has put in place a training programme for councillors and staff
- Has signed up to the Code of Conduct for councillors
- Has good governance arrangements in place including staff contracts and a dignity at work policy
- Will seek professional help at early stages should civility and respect issues arise
- Will commit to calling out bullying and harassment if and when it happens
- Will continue to learn from best practice in the sector and aspire to being a role model/champion council
- Supports the continued lobbying for change in legislation to support civility and respect, including sanctions for elected members where appropriate

We invite all councils to include an agenda item to review the statements and sign up to the Civility and Respect Pledge. Click to take the pledge: [SLCC](#) | [NALC](#).

There is also an [example agenda item for the pledge to assist you](#).



WELCOME TO THE CIVILITY AND RESPECT PROJECT NEWSLETTER

### PROJECT UPDATE

We have started to deliver against the objectives set out at the start of the project.

There is now a bespoke training offering to support you, enhance your skills and confidence to handle incivility, disrespect, and poor behaviour. We are also delighted to announce the launch of 'The Pledge' to help your council encourage the right behaviours, stamp out bullying, and demonstrate high standards of conduct.

We are inviting all councils to please take the pledge.





# CIVILITY AND RESPECT TRAINING



One of the key aims of the project is to deliver training packages to support councillors, clerks, and employees who are experiencing difficulties with bullying and harassment. We have worked with key partners to create a brand-new series of workshops and are delighted to share the first range of this training with you. The cost for attendance will be supplemented by the project, with a 50% discount being offered until the end of 2022. If we have a high demand for places, we will schedule additional dates (the workshops are delivered virtually).

Breakthrough Communications are experts in the field of training for local councils. They have created a suite of bespoke workshops and resource packs for local council clerks, officers, and councillors as part of the Civility and Respect Project.



Each package comprises useful guides and custom-designed toolkits as well as access to on-demand and live virtual training events.

Separate packages have been designed for clerks/officers and councillors, click on the titles below to book your place.

## **\*\*Resilience and Emotional Intelligence - What it means in practice for clerks and council officers\*\***

**Delegate fee £30**

The learning content, live workshop, and toolkits will enable participants to develop a better understanding of where our behaviour comes from, consider what resilience means for us in the context of our different local council roles, and will provide an opportunity to explore role-focused scenarios and how we might respond to those different scenarios. We'll consider strategies to manage and deal with different situations effectively, and provide guidelines and suggestions, based on worked-through scenarios. We'll also lead the user through a set of exercises, input, and self-reflection, as well as providing a useful resource pack for building your own resilience and emotional intelligence.

## **\*\*Leadership in Challenging Situations - Dealing with challenging situations and working with others effectively\*\***

**Delegate fee £30**

The learning content, live workshop, and toolkits will enable participants to deal with a range of role-focused challenging situations, as well as exploring how we can work with others more effectively. We will consider different leadership styles and approaches in the context of your role, exploring which styles we personally 'default' to and which styles can work effectively for different situations. We will explore scenarios of challenging situations we might face, and discuss how we might deal with these effectively and appropriately. We'll also consider how to build, support, and get the most from an effective and motivated team.

## **\*\*Respectful Social Media — How to deal with attacks and negative engagement\*\***

**Delegate fee £30**

The learning content, live workshop, and toolkits will enable participants to explore different methods and strategies for dealing with negative attacks on social media and ways in which you can keep control of social media output. We will consider how we come across on social media as councils, as well as individually, what our personal 'digital tone of voice' sounds like, explore our use of language and its role in positive two-way communication, as well as discussing the type of content we can post on social media depending on our role. For councillors, we will provide suggested social media dos and don'ts and how to be effective on social media, whilst bearing in mind issues around the Code of Conduct. For clerks and officers will explore how the council can de-mystify the role of the council and showcase its people in order to help pre-emptively deal with negative engagement and attacks.

Personal development themed comedian, intuitive catalyst, speaker, author and communications specialist, Becky Walsh has been turning the dry world of self-development on its head with a down-to-earth, uniquely funny style for over two decades. She has created these civility and respect themed webinars to support some of the key issues faced by our sector.



**BECKYWALSH**

## **\*\*Civility and respect — Uncovering the issues for the public sector\*\***

**Delegate fee £15**

Condescending comments, demeaning emails, disrupting meetings, reprimanding someone publicly, talking behind someone's back, giving someone the silent treatment, not giving credit where credit is due, rolling eyes, and being yelled at, is a regular occurrence for many councils. In this webinar, we talk about the issues we face in our council roles. We will then talk about the impact this has on the individuals involved and the organisation as a whole.

Each of the webinars will give real situation scenarios and what to do in each of them.

Councillors only session - 12 September 2022 — 1.30 pm (60 minutes)

To register a place, clerks please email [sue@haptc.org.uk](mailto:sue@haptc.org.uk), copying in your councillor delegate(s).

Clerks only session - 8 September 2022 — 11am (60 minutes) [SLCC | Uncovering the issues for public sector.](#)





**\*\*What makes people become challenging?\***

Delegate fee £15

In this webinar, we dive into human psychology, neuroscience, and power dynamics. What triggers people to behave from the worst of themselves? How as leaders can we create environments with fewer trigger situations and more safety? We will discuss real-life situations and how to turn them around when they start to get out of hand.

Each of the webinars will give real situation scenarios and what to do in each of them.

Councillors only session - 26 September 2022 — 1.30 pm (60 minutes)

To register a place, clerks please email [sue@haptc.org.uk](mailto:sue@haptc.org.uk), copying in your councillor delegate(s).

Clerks only session - 22 September 2022 – 11am (60 minutes) [SLCC | What makes people become challenging?](#)

**\*\*Personal resilience and self-protection\***

Delegate fee £15

Having a good understanding of yourself means you'll know what to do when someone tries to push your buttons. In this webinar, we discuss emotional resilience and emotional intelligence and how this applies to specific council situations.

Each of the webinars will give real situation scenarios and what to do in each of them.

Councillors only session - 3 October 2022 — 1.30 pm (60 minutes)

To register a place, clerks please email [sue@haptc.org.uk](mailto:sue@haptc.org.uk), copying in your councillor delegate(s).

Clerks only session - 6 October 2022 – 11am (60 minutes) [SLCC | Personal resilience and self-protection.](#)

**\*\*Understanding psychopathic and narcissistic behaviour\***

Delegate fee £15

Both psychopathic and narcissistic people generally lack empathy and tend to have unrealistically high opinions of themselves. They often exploit and manipulate others and can be hard to spot as they can also be superficially charming. They are also attracted to roles of power and are often found in leadership positions and in political roles. In this webinar, we learn how to spot them and how to monitor your own behaviour to lessen their impact on you and your organisation.

Each of the webinars will give real situation scenarios and what to do in each of them.

Councillors only session - 17 October 2022 — 1.30 pm (60 minutes)

To register a place, clerks please email [sue@haptc.org.uk](mailto:sue@haptc.org.uk), copying in your councillor delegate(s).

Clerks only session - 20 October 2022 — 11am (60 minutes) [SLCC | Understanding psychopathic and narcissistic behaviour.](#)

Paul Hoey and Natalie Ainscough of Hoey Ainscough Associates Ltd are national experts in effective local governance with a particular emphasis on supporting the local standards framework for members introduced by the Localism Act 2011. They worked with the Local Government Association (LGA) to produce the latest Code of Conduct and so are uniquely placed to deliver this workshop.

Hoey Ainscough Associates Ltd  
Supporting Local Governance

**\*\*The (New) Code of Conduct\***

Delegate fee £15

This session is aimed at members and officers of local councils who have adopted the new Local Government Association (LGA) Code of Conduct for members (as endorsed by NALC and SLCC) or who are considering adopting it. It will look at key aspects of the code, the practical implications of working with it and look at the guidance which sits alongside it.

This is an interactive session where attendees will be invited to ask questions about any aspect of the code, as the session aims to help people understand how to effectively implement the code at a local level.

Councillors only session - 19 October 2022 — 7 pm (120 minutes)

To register a place, clerks please email [sue@haptc.org.uk](mailto:sue@haptc.org.uk), copying in your councillor delegate(s).

Clerks only session - 28 September 2022 – 10am (120 minutes) [SLCC | The New Code of Conduct.](#)

**For more information about the training available, please contact [michelle.moss@nalc.gov.uk](mailto:michelle.moss@nalc.gov.uk).**



# COMMUNITY GOVERNANCE

Develop your career, support your council and strengthen your community

In addition to the civility and respect training programme we're pleased to be able to share details of an event being run by the year six students studying the community governance degree, De Montfort University.

## **\*\*Managing conflict and difficult conversations\*\***

**Delegate fee - £90**

The training specifically covers conflict management; a thread of management essential to the clerking industry given the depth and breadth of communications and dealings clerks have with other people and organisations.

The event will be led by Sue Noble from [www.noblelearning.co.uk](http://www.noblelearning.co.uk), a highly experienced coach and mentor who has extensive experience in **the local government sector and training staff from town and parish councils.**

It will be an interactive event, enabling attendees to actively learn new coping skills and mechanisms, whilst building relationships with other professionals in the town and parish sector.

At the end of the formal training session, there will be an opportunity to network with colleagues and hear about further training opportunities, whilst sampling delicious wines from Oaken Grove.

**For clerks only - 14th September 2022 | Henley Town Hall, Henley on Thames, RG9 2A | [SLCC](#) | [Managing Conflict and Difficult Conversations](#).**

## DIGNITY AT WORK POLICY

One of the project objectives is to strengthen the governance arrangements across our sector to better support councils.

The Dignity at Work Policy is the first of a series of new or revised governance documents which are being developed by the project team.

The documents have been reviewed by a focus group made up of clerks, **councillors, monitoring officers, and county associations, and approved** by NALC and SLCC for use.

The Dignity at Work Policy will replace any previous Bullying and Harassment Policy. It encompasses behaviours beyond bullying and harassment, and zero tolerance, with the aim of dealing with concerns before they escalate.

**It has been produced with supporting guidance because it is so important that any commitment made in the policy is applied in practice.**

Wording has been suggested to demonstrate a council's commitment to promoting dignity and respect where they have signed up to the Civility and Respect Pledge.

Councils who have not signed up to this are requested to consider making this pledge which is based on basic behaviours and expectations of all council representatives to create workplaces that allow people to maintain their dignity at all times.

[Dignity at Work Policy](#)



Please visit our dedicated civility and respect pages for lots more information and support

[SLCC | Civility and Respect Project](#) and

[NALC | Civility and Respect Project](#)



IN COLLABORATION WITH SLCC, NALC, OVV, COUNTY ASSOCIATIONS





# **Bullying and Harassment Policy**

## **Swanage Town Council**

### **1. Policy Statement**

Employees are Swanage Town Council's most valuable and important resource, and the Council has a legal, moral, and ethical duty to ensure that the environment in which they work enables them to contribute to their fullest potential and that they feel confident and comfortable about that working environment.

As well as considering the welfare of its employees, there is a strong business case for ensuring the elimination and prevention of harassment and bullying such as; the financial impact (e.g. cost of reduced performance), health and safety (e.g. physical and emotional effects on employees), and recruitment and retention (e.g. people will not wish to join us or to remain with us).

Swanage Town Council believes that all its employees have the right to be treated with dignity and respect, and that harassment and bullying is totally unacceptable. The Council will deal effectively with any form of harassment or bullying and take any steps it sees fit to either stop or prevent it. This may include taking disciplinary action, up to and including dismissal.

### **2. Scope Of The Policy**

This policy should be read in conjunction with other Council policies and procedures such as: the Equal Opportunities Policy, Disciplinary Procedure and Grievance Procedure.

The policy covers harassment and bullying by Officers and Members of the Council. It does not cover harassment and bullying from the public or contractors. However the Council has a duty of care towards its employees and, in these cases, employees should report any such behaviour to their line manager who will decide upon the appropriate action.

### **3. Aims Of The Policy**

The information given below shows how harassment and bullying can affect both individuals and the Council, and demonstrates the need for a policy. The aims of having a harassment and bullying policy are as follows:

- To ensure that all of the Council's employees are treated with dignity and respect;
- To ensure that harassment and bullying is prevented and, if it does occur, that action is taken to stop it;
- To ensure that the working environment is such that each employee feels confident and comfortable about the way they will be treated whilst at work;
- To ensure that all of the Council's employees know what harassment and bullying is and what the Council's policy is;

- To explain the responsibilities of Members, management, and employees; and
- To explain the procedures for dealing with harassment and bullying.

#### **4. Harassment**

There are various definitions of harassment, but there are three key questions which help to define 'Harassment'. They are: 'Is the behaviour unwanted?' 'Does it undermine the dignity of the individual?' and 'Is it related to a protected characteristic?'

Harassment is defined by ACAS as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The protected characteristics are age; disability; sex or gender; gender reassignment; marriage/civil partnership; pregnancy or maternity; race (including ethnic origin, skin colour, nationality and national origin); religion or belief; and sexual orientation.

It is also unacceptable to harass any individual:

- Based on their association with another individual with a protected characteristic (e.g. an employee married to someone of a different ethnic origin); or
- Based on a perception that they have a protected characteristic (e.g. a heterosexual employee who is made fun of because his colleagues believe he is homosexual).

A definition of bullying is given in the next section of this policy, but harassment and bullying are closely linked.

Examples of harassment include:

##### Sexual harassment:

- Ridiculing someone because of their sex or sexual orientation by looks, remarks, sexual innuendo or jokes of a sexually explicit nature;
- Unnecessary touching or unwanted physical conduct.

##### Sexual orientation harassment:

- Homophobic remarks, innuendo, jokes;
- Offensive actions and physical attack.

##### Racial harassment:

- Embarrassing or derogatory remarks such as racist jokes, name-calling or nicknames;
- Deliberate isolation or different treatment.

##### Harassment on the grounds of disability:

- Name calling;
- Uninvited, patronising or unnecessary assistance.

##### Harassment on the grounds of religion or belief:



- Ridicule and religious jokes;
- Scorning of belief.

#### Age harassment:

- Negative comments generalising about the age group of the individual;
- Exclusion from informal groups such as social events.

## **5. Bullying**

ACAS states that bullying can be characterised as ‘offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient’.

It must be clearly understood that it is a manager's responsibility to set targets and review work performance. It is also the manager's role when individuals do not reach targets to ensure that corrective processes are put in place. These discussions are sometimes difficult for both parties but need to take place to ensure employees work competently. In this context bullying will only occur when a manager abuses his or her authority.

It should be noted that bullying does not just occur in manager/subordinate relationships, it can occur when there is unacceptable peer pressure or pressure by others in a position of ‘authority’, e.g. Members.

Examples of bullying behaviour can include:

- Spreading malicious rumours;
- Making the employee the butt of jokes;
- Aggressive, insulting and unco-operative attitude;
- Destructive innuendo and sarcasm;
- Constant unjustified criticism;
- Unjustifiably removing responsibilities and replacing them with trivial tasks to do instead;
- Shouting at employees;
- Unreasonable use of disciplinary/competence procedures;
- Unreasonable refusal of requests (e.g. leave or training) ;
- Deliberately ignoring or excluding individuals from activities;
- Imposing unreasonable workloads and/or unjustifiably reducing deadlines;
- Constantly undermining an employee in terms of their professional or personal standing;
- Undervaluing an employee's efforts;
- Seeking to make an employee appear incompetent, or intentionally creating an unacceptable working environment, with the object of either achieving a dismissal or of making them resign.

Swanage Town Council recognises the fact that employees may initially submit to a particular instance of harassment or bullying, but this does not mean that they find the behaviour acceptable. For example, an employee who is the butt of jokes may not wish to object initially, but this should not prevent them from addressing the issue once they feel able to do so.

## **6. Victimisation**

Any employee who makes a complaint or supports another employee who has done so must not be subjected to any victimisation or less favourable treatment as result. Swanage Town Council will not tolerate any such behaviour and will take appropriate action to stop/prevent this, which may include disciplinary action.

## **7. Responsibilities Of Managers, Employees, And Members**

### **7.1. Managers**

Managers will have the following responsibilities:

- Compliance with the Policy;
- Creating/ensuring that there is a supportive working environment;
- Making sure that their employees know the details of this policy and ensuring compliance with it;
- Making sure that their employees know what standards of behaviour are expected of them;
- Taking allegations of harassment and/or bullying seriously and dealing with them as quickly as possible;
- Ensuring that victims of harassment and/or bullying receive appropriate support which might include counselling. (Note: consideration should be given as to whether the harasser/bully should also be given access to counselling, as the employee who has been accused of bullying/harassment can find this a stressful situation);
- Dealing with complaints under the Bullying and Harassment Complaints Procedure (see below);
- Ensuring that matters are dealt with confidentially and impartially;
- Ensuring that their employees attend any training requirement; and
- Liaising with the Town Clerk on how to deal with cases that arise.

### **7.2. Employees**

Employees will have the following responsibilities:

- Compliance with the policy;
- Treating their colleagues with dignity and respect;
- Having an awareness of their own standards of behaviour;
- Making it clear that they find harassment and bullying unacceptable;
- Reporting harassment and supporting management with the investigation of complaints; and
- Intervening to stop harassment and/or bullying and give support to victims.

### **7.3. Members**

Members will have the following responsibilities:

- Compliance with the Policy; and
- Treating employees with dignity and respect.

## **5. Complaints About Other Parties**

If the matter involves a complaint against the Town Clerk, you should inform the Chairman of the Council or the Chairman of the Personnel Committee, who will seek advice and determine the most appropriate means of dealing properly with the complaint.

If the matter involves a complaint against a Member, you should inform the Town Clerk.

## **6. 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.



# **Bullying and Harassment Complaints Procedure**

## **Swanage Town Council**

### **1. Introduction**

No employee need put up with bullying or harassment. Swanage Town Council recognises that making a complaint may be a distressing experience, but all complaints will be taken seriously and dealt with in a sympathetic and sensitive manner.

If you feel that you are being bullied/harassed, the decision about how to pursue this will, in the first instance, rest solely with you. You have the right to redress through either the informal or formal procedure.

Only if the matter is brought to the attention of the alleged harasser/bully or your manager can action be taken to stop the behaviour.

In the interests of natural justice a complaint should be made as close as possible to the date when the incident occurred. In a situation where, in your view, an accumulation of incidents merit a bullying/harassment complaint, this should be done as close as possible to the date when the 'final straw' incident took place.

### **2. Stage One**

If it is possible and appropriate to do so, you should ask the person who you feel is harassing or bullying you to stop such behaviour, making it clear that you find it offensive and it is unwelcome. This can be done face-to-face or in writing.

If you feel that you cannot approach the alleged harasser/bully alone then you may wish to ask a work colleague or trade union representative to accompany you.

It is possible that some people may not have realised that their behaviour was offensive and alerting them to it will alter their behaviour.

### **3. Stage Two**

If you feel unable to use the approach set out in Stage 1, or you feel that this is not appropriate, or if Stage 1 action fails to resolve your complaint then you can raise this formally if you wish.

In this case you will need to put your complaint in writing to your Departmental Manager, giving details of the specific actions/incidents about which you are complaining.

Once you have done this the matter will be investigated under the Council's Grievance Procedure.



The Departmental Manager will discuss your complaint with you. In line with the informal resolution stage set out in the Grievance Procedure, the Departmental Manager will, if appropriate, explore with you whether there are any informal measures that you feel able to pursue in order to attempt to resolve the situation before requesting that formal action is taken. These could include meetings with the alleged harasser/bully facilitated by your line manager or the Town Clerk, or more structured mediation.

The formal process must, however, be followed if the particular 'offence' brought to the Council's attention is so serious that criminal prosecution may result.

If informal measures are not appropriate/successful or you wish to proceed straight to the formal process, the Town Clerk, or his/her representative, will thoroughly investigate the complaint in accordance with the Grievance Procedure.

The usual representation will apply to the alleged bully/harasser and you can be supported throughout the process by a work colleague or trade union representative.

In accordance with Swanage Town 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 of appeal.

Decisions will be made at/after the hearing about the appropriate actions to be taken. These could include taking disciplinary action against the bully/harasser; issuing management instructions; arranging mediation if both parties are willing to participate; making changes to working arrangements; or taking no further action.

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.

#### **4. Confidentiality**

Any complaint received, either formally or informally, will be treated with as much confidentiality as possible. However in order to enable your complaint to be investigated and/or resolved the individuals concerned will have to be made aware of your complaint, and it may not be possible to do this without identifying you.

The knowledge that a complaint has been made will be restricted to the minimum number of people necessary to investigate what happened. All those involved in any complaint must respect this and ensure that they are sensitive to the needs of both the complainant and the alleged harasser/bully.

All involved in investigating a complaint will do so impartially and make no inferences that either party is at fault until the investigation is complete. Breaches in confidentiality may result in disciplinary action.