



# **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 uncooperative 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. Complaints against Councillors**

If you perceive that you are being bullied or harassed by a councillor, please raise this with the Town Clerk or the chairman 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 as set out in Stage One of the Council's Bullying and Harassment Complaints Procedure. In certain circumstances the Council may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The Town Clerk will discuss this with you if it is appropriate.

Formal concerns regarding potential breaches of the Councillors' Code of Conduct must be investigated by the Monitoring Officer. 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.

## **7. 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.

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

### **8.1. 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.

## **8.2. 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.

## **8.3. Members**

Members will have the following responsibilities:

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



# **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.

## **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 your options are set out in Section 6 of the Bullying & Harassment Policy.

## **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.