

West Wycombe Parish Council

Bullying and Harassment Policy

Purpose and Scope

In support of our value to respect others West Wycombe Parish Council will not tolerate bullying or harassment by, or of, any of their employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. The 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 & members in order to protect them from bullying & harassment. It should be read in conjunction with the council's policies on Disciplinary & Grievance.

A copy of this policy will also be posted on the parish council's website.

Definitions

Bullying

"Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress."

Harassment is unwanted conduct that has the purpose or effect of violating people's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. This policy covers, but is not limited to, harassment on the grounds of age, sex, race, disability, religion, belief, marital status, sexual orientation, nationality or ethnic origin.

These definitions are derived from the ACAS guidance on the topic.

Both bullying and harassment are behaviours which are unwanted by the recipient.

Bullying and harassment are not necessarily face to face, they may show themselves in different ways including the following:-

- physical contact, from touching to serious assault
- written communications, visual display (e.g. pictures or posters which could cause offence, embarrassing photographs of colleagues)
- e-mail, telephone or through automatic supervision methods (computer recording of downtime work, or recording of meetings/telephone conversations etc if these are not universally applied to all employees)
- jokes, letters, offensive language, suggestive remarks or gossip

It may occur on or off work premises, during work hours or non-work time. It may be directed at an individual or group, and it can be difficult to recognise, insidious or unintentional.

Bullying and harassment in the workplace can lead to:-

- poor morale & poor employee relations
- loss of respect for managers, supervisors & others
- poor performance
- lost productivity
- absence
- resignations
- damage to the council's reputation
- employment tribunal or other court cases and payment of unlimited compensation

Unacceptable behaviour

Some examples of unacceptable behaviour are:-

- spreading malicious rumours or gossip, insulting someone (particularly on the grounds of age, sex, race, disability, religion, belief, marital status, sexual orientation, nationality or ethnic origin)
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- coercion (e.g. pressure to take a particular course of action)
- overbearing supervision or other misuse of position or power
- threatening behaviour, constant unwanted criticism, belittling
- unwelcome sexual advances – touching, standing too close, display of offensive materials, indecent or suggestive remarks, over-familiar behaviour, obscene gestures, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading work and/or constant criticism
- preventing an individual's progression by intentionally blocking promotion or training opportunities
- discrimination on the grounds of age, sex, race, disability, religion, belief, marital status, sexual orientation, nationality, ethnic origin or just because someone sees you as different in some way

Penalties

Bullying and harassment are considered examples of serious misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the parish council for employees or as a contravention of the Member's Code of Conduct which may result in penalties against the member concerned. In extreme cases harassment can constitute a criminal offence and the parish council will take appropriate legal advice, if such a matter arises.

The Legal position

Councils have duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. Under the Equality Act of 2010 bullying or harassment may be considered unlawful discrimination.

In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. In addition, a harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal for sexual, racial, disability or age discrimination.

PROCESS FOR DEALING WITH COMPLAINTS OF BULLYING AND HARASSMENT

Informal approach

Anyone; employee, contractor, member or visitor, who feels he or she is being bullied or harassed should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour that their conduct is unacceptable, offensive or causing discomfort.

Formal approach

Employees

Where an employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Clerk, Chairman or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked.

Others

Any other party to the council, other than an employee who feels he or she is being bullied or harassed should raise their complaint with the Clerk, Chairman or another Councillor, where possible, or the Monitoring Officer if an informal notification to a member has been unsuccessful at eliminating the problem or where a member is directly involved in the bullying or harassment. The complaint should then be investigated and a hearing held to discuss the facts and recommend the way forward. A member of the public who feels he or she has been bullied or harassed by any members or officers of a council should use the council's official Complaints Procedure.

Grievance – Employees only

A meeting to discuss the complaint with the complainant will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the council's Grievance Procedure.

This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Grievance Panel investigating will publish its recommendations following deliberation of the facts. An action plan will be made available to the complainant to demonstrate how the problem is to be resolved. It may be decided that mediation is required and the council will contact NALC, an employer's body or ACAS to this effect or may offer counselling. The employee will have a right of appeal as established by the Employment Act 2002. At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process hence details of the full grievance will not be shared with the full council without prior approval by the complainant. The council will commit not to victimise the complainant for raising the complaint once the appropriate grievance/disciplinary process has been concluded.

Disciplinary Action

Following a Grievance Hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.

For an Employee found to have been bullying/harassing others this will follow the council's Disciplinary procedure, under the Employment Act 2002 provisions and would normally be treated as Gross Misconduct.

For Members who the council reasonably believe have been bullying or harassing another person(s) whilst undertaking council activities the action taken must be reasonable and in some cases counselling or training in appropriate skill areas e.g. interpersonal communication, assertiveness, chairmanship etc., may be more appropriate than a penalty. The range of disciplinary sanctions available to the council, where a member has been involved in bullying/harassment include; admonishment and an undertaking not to repeat the process, removal of opportunities to further harass/bully, banning from committees of the council and representation on any outside bodies.. There may also be a referral to the Police under the Protection from Harassment Act 1997, in the most extreme cases.

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

Responsibilities

All parties to the council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed then each individual can challenge the perpetrator and ask them to stop.

The council undertakes to share its policy with all members and workers and request that each party signs to demonstrate acceptance of its terms. All new members and employees will be provided with a copy of this policy.

A review of the policy shall be undertaken annually and necessary amendments will be undertaken by the Clerk and reported to the full parish council for approval.

The Council will undertake to ensure that its members and workers are trained in the processes required by this policy as deemed appropriate.

Adopted: 9th June 2016