

# RENHOLD PARISH COUNCIL

Clerk to the Council  
Mrs Lizzie Barnicoat  
Tel: 01234 841835

30 King William Close  
Kempston  
Beds MK42 7BA

## RENHOLD PARISH COUNCIL Dignity at Work and Bullying and Harassment Policy

Note: This policy should be used in conjunction with the Council's Complaints, Discipline and Grievance procedures.

### 1. PURPOSE AND SCOPE

#### 1.1 Statement

Renhold 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 the Council serves. The council is committed to the elimination of any form of intimidation in the workplace. This policy reflects the spirit in which the council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the council's policies on Complaints, Grievance and Discipline handling. The council will ensure that all employees are aware of this policy. The council may also wish to share this policy with contractors, visitors and members of the public. Renhold Parish Council will post a copy of this policy on its website.

#### 1.2 Definition

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.

Bullying is primarily intimidating, but may also be insulting, offensive or malicious. It is frequently recognised through the abuse or misuse of power through means intended to undermine, humiliate, denigrate or create a detriment for the employee. It can be related to age, sex, race, disability, religion, ethnic origin or some personal characteristic of the individual. It may be persistent or an isolated incident.

**The crucial point is that the actions or comments are viewed as demeaning and unacceptable to the recipient.**

Examples of what is unacceptable behaviour are given in 1.3 below.

Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This policy covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age. Both bullying and harassment are behaviours which are unwanted by the recipient.

Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others, turnover, damage to the council's reputation and ultimately, Employment Tribunal or other court cases and payment of unlimited compensation.

#### 1.3 Examples of Unacceptable Behaviour

- spreading malicious rumours, or insulting someone (particularly on the grounds of race, sex, sexual orientation and religion or belief)
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances

- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individual progressing by intentionally blocking training opportunities

(this list is not exhaustive)

Bullying and harassment may occur face-to-face, in meetings, through written communication, including e-mail, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

#### **1.4 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 council for employees or through referral to the Standards Board of England, 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 council should take appropriate legal advice, sometimes available from the council's insurer, if such a matter arises.

#### **1.5 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 following laws bullying or harassment may be considered unlawful discrimination; Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, Employment Equality (Sexual Orientation) Regulations 2003, Employment Equality (Religion or Belief) Regulations 2003, Employment Equality (Sex Discrimination) 2005, Employment Equality (Age) Regulations 2006. 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.

## **2. PROCESS FOR DEALING WITH COMPLAINTS OF BULLYING AND HARASSMENT**

### **2.1 Informal Approach**

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

### **2.2 Formal Approach**

#### **2.2.1 Employees**

Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with either the Chair of the Council or a relevant Working Party. It may be appropriate for the complaint to be put in writing after the initial discussion with the Councillor, as this will enable the formal Grievance Procedure to be invoked.

#### **2.2.2 Grievance – Employees only**

Refer to the council's grievance procedure.

### **2.3 Others**

Any other party to the council including Councillors, officers of other authorities or organisations and members of the public, other than an employee, who feels they are being bullied or harassed should raise their complaint with either the Clerk, the Chair of the Council or the appropriate Working Group. Where possible every effort should be made to deal with the matter locally, but if not, the matter should be referred to the Code of Practice for Handling Complaints.

### **2.4 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 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. It will be the responsibility of the relevant Committee or full Council to make a recommendation on the appropriate level of action and may involve in some cases counselling or training in appropriate skill areas e.g. interpersonal communication, assertiveness, chairmanship etc., as 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, a referral to the Standards Board (or equivalent) by the council and/or the aggrieved victim. There may also be a referral to the Police under the Protection from Harassment Act 1997, in the most extreme cases. This list is not exhaustive.

### **2.5 False or malicious allegations of harassment or bullying**

If such is made to which damage the reputation of a fellow employee/Councillor this will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure and/or a referral to the Standards Board.

## **3. 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 employees 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 each year (or as appropriate) and necessary amendments will be undertaken by the Clerk and reported to the full council for approval.

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

**Adopted by Renhold Parish Council in August 2010, reviewed November 2015, to next be reviewed November 2018.**