

# Old Catton Parish Council

## Bullying and Harassment Policy

### 1. Introduction

In support of our value to respect others, Old Catton Parish Council will not tolerate bullying or harassment by, or of, any of its employees, officials, members, contractors, visitors to the Council or members of the public from the community which it serves. The Council is committed to the elimination of any form of intimidation in the workplace. This policy reflects the spirit in which the Council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying or harassment. It should be read in conjunction with the Council's Policies on Grievance and Disciplinary Procedures and the Elected Members Code of Conduct.

### 2. Definitions and examples (Derived from ACAS (Advisory, Conciliation & Arbitration Service) guidance on the topic)

**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 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 and in the workplace can lead to poor morale/performance, sickness absence, mental health issues, lack of respect for others, staff turnover, damage to the Council's reputation and ultimately Employment Tribunals or other court cases and payment of unlimited compensation.

Examples of unacceptable behaviour include spreading malicious rumours, insulting, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position of power, unwelcome sexual advances, making threats about job security, making threats of physical violence against a person or their family, deliberately undermining a competent worker by overloading work and/or constant criticism, blaming a person for others' mistakes, preventing an individual's promotion or training opportunities or publicly commenting about an individual's performance who is not present to defend themselves. This list is not exhaustive.

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

### **3. Penalties**

Bullying and harassment are considered examples of gross misconduct which will be dealt with through the Grievance and Disciplinary Procedures and may result in dismissal from the Council for employees or through referral to Broadland District Council's Monitoring Officer as a contravention of the Elected Members Code of Conduct which may result in penalties against the Member concerned. If an employee is experiencing bullying or harassment from a third party the Council will act reasonably in upholding its duty of care towards its own employees. In extreme cases harassment can constitute a criminal offence.

### **4. Legal position**

Old Catton Parish Council has a 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 2010 bullying or harassment may be considered unlawful discrimination and the legal definition of 'Third Party Harassment' has been introduced which makes the employer vicariously liable for harassment from other parties such as parishioners, contractors etc. The Council will take reasonable steps to manage such situations which could include legal redress on behalf of an employee or Member of the Council. 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. An harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination.

### **5. Process for dealing with complaints of bullying and harassment**

#### **5.1 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. In the interest of maintaining good working relations, the employee is encouraged to discuss any grievance first with the Clerk with a view to resolving the matter informally. If the employee feels that this is not appropriate, or he or she wishes to pursue a formal grievance, they should follow the procedure in 5.2.

#### **5.2 Formal Approach**

**5.2.1 Employees:** Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying should be put in writing to the Clerk to enable the formal Grievance Procedure to be invoked.

**5.2.2 Others:** Any other party to the Council who feels he or she is being bullied or harassed should raise their complaint with the Council, via the Clerk, where possible or the Monitoring Officer at Broadland District Council if an informal notification to a Member has been unsuccessful at eliminating the problem. The complaint should then be investigated and a meeting 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 Member or employee of Old Catton Parish Council should use the Council's official Complaints Procedure.

## **6. 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.

- 6.1** For an employee found to have been bullying/harassing others this will follow the Council's Policy on Disciplinary Procedures.
- 6.2** 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 eg inter-personal communication, assertiveness or chairmanship 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 bully/harass, banning from Committees of the Council and representation on any outside bodies and/or a referral to Broadland District Council's Monitoring Officer. There may be a referral to the Police under the Protection from Harassment Act 1997, or a claim to an Employment Tribunal for Third Party Harassment (for harassment relating to one of the protected characteristics under the Equality Act 2010) in extreme cases.

## **7. False allegations**

False or malicious allegations of harassment or bullying which damage the reputation of a fellow Member/employee will not be tolerated and will be dealt with as serious misconduct under the Council's Disciplinary Policy and/or a referral Broadland District Council's Monitoring Officer.

## **8. 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. Old Catton Parish Council undertakes to share its policy with all Members and employees and all new Members and employees will be provided with a copy of this policy.

This policy will be reviewed annually, unless required earlier by legislation or additional material.

**Adopted: April 2018**

**Reviewed: 15<sup>th</sup> January 2024**