Spelsbury Parish Council
Dignity at Work Policy

Adopted by Spelsbury Parish Council on 08 November 2022
Last approved on 05 November 2024

Introduction
Spelsbury Parish Council believes that civility and respect are important in the working environment, and expects all councillors, officers and the public to be polite and courteous when working for, and with the Council.

Purpose
Spelsbury Parish 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. Spelsbury Parish Council aims to create a workplace where there is zero tolerance for harassment and bullying.

The Council recognises 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 the Council will respond to complaints of bullying and harassment;
- Explains how the Council will ensure that it will respond sensitively and promptly; and
- Explains how the Council will support its employees in ensuring that their behaviour does not amount to bullying and/or harassment by giving examples.

Scope
This policy covers bullying and harassment of and by the Clerk and all employees engaged to work at Spelsbury Parish Council. Should agency staff or contractors have a complaint connected to their engagement with the Council, this should be raised to their nominated contact, the Clerk or the Chairman. Should the complaint be about the Chairman or the Clerk, the complaint should be raised to the Vice-Chairman.

Agency staff and 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 Disciplinary and Grievance Policy.

It is noted that the management of a situation may differ depending on to whom the allegations relate, (eg employees, contractors, councillors), however, the Council will take appropriate action if any of its employees are bullied or harassed by other 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. Spelsbury Parish 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 or a repeated course of conduct, and whether harm is intended or not. The Council will not tolerate retaliation against, or victimisation of, any persons involved in bringing a complaint of harassment or bullying. The Council notes that, in some circumstances, bullying and harassment may amount to a crime punishable by a fine or imprisonment.

The Council expects all its representatives to treat each other with respect and uphold the values of the Code of Conduct, the Civility and Respect Pledge, the Equal Opportunities Policy, and all other policies and procedures approved by the Council.

The Council expects everyone 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. The Disciplinary and Grievance Policy list the 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 allegations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While the Council 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 and Grievance Policy.

Bullying and Harassment

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, eg 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 relating to age, disability, gender reassignment, 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-co-operation 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. Each person has the right to determine what offends them. Some behaviour will be clear to any reasonable person that it is likely to offend, eg sexual touching. Other examples may be less clear, however, it should be made known that harassment will be deemed to have occurred if behaviour continues after the recipient has advised that this 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 that 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).

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 an employee's behaviour or performance from their manager, colleagues or 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 a person acts in good faith, ie that they genuinely believe that what they are saying is true, they 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 taken part in victimisation.

Making a complaint that a person knows to be untrue, or giving evidence that is known to be untrue, may lead to disciplinary action being taken by the Council.

Reporting Concerns

<u>What someone should do if they feel they are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)</u>

If someone is being bullied or harassed by someone they come into contact with at work, this should be raised with the Clerk or a councillor. Any such report will be taken seriously, and the Council will decide how best to deal with the situation, in consultation with complainant.

<u>What someone should do if they feel they are being bullied or harassed by a councillor</u>

If someone is being bullied or harassed by a councillor, this should be raised with the Clerk or the Chairman in the first instance. The Clerk or Chairman will decide how best to deal with the situation, in consultation with the complainant.. There are two possible avenues – 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 the complainant's health and safety. Such measures may include a temporary change in duties or change of work location, or not attending meetings with the person about whom the complaint has been made.

What someone should do if they witness an incident they believe to be harassment or bullying
If someone witnesses such behaviour they should report the incident in confidence to the Clerk 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 someone should do if they are being bullied or harassed by another member of staff
If someone is being bullied or harassed by a colleague or contractor, there are two possible avenues of action, informal or formal. These are described below.

Informal resolution
If someone is being bullied or harassed, they may be able to resolve the situation themselves by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the Council's policies and must stop. Alternatively, the complainant may wish to ask the Clerk or the Chairman to put this on their behalf or to be with them when confronting the perpetrator(s).

If the above approach does not work or the complainant does not want to try to resolve the situation in this way, or is being bullied by the Clerk or Chairman, they should raise the issue with the Clerk, Chairman or Vice-Chairman, as appropriate. The Chairman or other appropriate person will discuss the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- There has been a complaint about their behaviour which is having an adverse effect on a member of the council staff
- Such behaviour is contrary to Council's policies
- 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 the complainant's name, if that is what is wished. The person dealing with it will also stress that the conversation is confidential.

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

If the complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as an extremely serious allegation, or in cases where a problem has happened before) the Council may decide to investigate further and make more formal action, notwithstanding that the matter was raised informally. The complainant will be consulted before this step is taken.

Raising a formal complaint
If informal resolution is unsuccessful or inappropriate, a formal complaint can be made about bullying or harassment following the Council's Disciplinary and Grievance Policy.

The complainant 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
- Any action taken by the person reporting the incident to resolve the matter informally.

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

Where the 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 the complainant in their 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, the Council will ensure that individuals' personal data is handled in accordance with the Data Protection Policy.

The Council will consider how to protect the complainant's health and wellbeing whilst the investigation is taking place and discuss this with them. Depending on the nature of the allegations, the investigator may want to meet with the complainant to better understand the complaint.

After the investigation, a panel will meet with the complainant to consider the complaint and findings of the investigation in accordance with the Disciplinary and Grievance Policy. At this meeting the complainant may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to the complainant to inform them of the decision and to notify them of their right to appeal if they are dissatisfied with the outcome. The complainant should put their appeal in writing explaining the reasons why they are dissatisfied with the decision. The appeal will be heard under the appeal process as per the Disciplinary and Grievance Policy.

The use of the Grievance and Disciplinary Policy

If, at any stage from the point at which a complaint is raised, the Council believes that there is a case to answer and a disciplinary offence might have been committed, the disciplinary procedure will be instigated and followed.