

Harassment and Bullying Policy

INTRODUCTION

Sacriston Parish Council's approach to bullying and harassment is one of zero tolerance. Any instance of bullying or harassment or other inappropriate behaviour at work that is likely to cause offence or breach the dignity and respect of colleagues will be regarded as serious misconduct. Employees responsible for such behaviour will be subject to disciplinary action, up to and including summary dismissal, depending on the nature and seriousness the behaviour.

PROCEDURE

Employee (Parish Clerk)

Our employee has a responsibility at all times to behave in a way that is courteous, respectful and reasonable towards councillors and members of the general public.

Swearing and using other offensive terms during the course of employment will be viewed as a disciplinary offence. Similarly, the telling of jokes, engagement in banter or making remarks that could reasonably cause offence to any person, including anything that is sexual in nature, sexist, racial, racist, homophobic, ageist, connected to religion or belief, or related to an individual's disability will also be viewed as a disciplinary offence, potentially leading to disciplinary action up to and including summary dismissal. (Examples of harassment and bullying are detailed in Appendix 1 and 2 respectively).

This policy also applies to organised work-related events regardless of the fact that these may be held outside the Council's premises and in an employees' own time.

All complaints under this policy will be treated seriously and investigated and dealt with promptly, fairly and objectively and, insofar as is possible, in confidence.

Process

No employee will be penalised, victimised or subjected to any detriment for complaining that his or her dignity has been breached through a colleague's words or actions.

If at any time there are grounds to believe that an employee has bullied, harassed or otherwise caused offence to anyone, the Parish Council will instigate an investigation into the alleged behaviour. This will be the case whether or not there has been a formal complaint.

In these circumstances, the Parish Council serves the right to suspend temporarily the employee suspected of acting in breach of this policy if it is considered in the interests of the Parish Council to do so. Suspension in these circumstances will be on full pay. Suspension does not mean that the employee has been found guilty of misconduct and does not constitute disciplinary action.

Any councillor who believes that his or her dignity has been violated or that an employee's conduct amounts to bullying or harassment or that such conduct has otherwise created an uncomfortable environment for him or herself or others, has the right to complain to the Chair

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of the Parish Council. Such a complaint may be informal or formal, as the individual thinks appropriate (see below).

Furthermore, any councillor who witnesses an incident that may reasonably be viewed as offensive is obliged to report in factual terms what he or she saw or heard to the Chair of the Parish Council so that the Council can investigate and resolve the matter.

If a councillor wishes to make an informal complaint, he or she may choose either to speak:

- a) directly to the person whose behaviour has caused, or is likely to cause, offence, pointing out to that person in a reasonable and factual way why his or her conduct may be inappropriate, why it may be perceived as objectionable or unacceptable, and asking for it to stop
- b) to the Chair of the Parish Council in order to seek support or guidance on an appropriate course of informal action to resolve the matter.

If an employee's behaviour is such that it represents a serious breach of the Parish Council's policy (for example severe bullying or harassment), or if the councillor has tried to resolve the matter informally but without success, the councillor may choose to raise a formal complaint.

- A formal complaint must be put in writing, although the councillor may consult the Chair of the Parish Council first to ask for guidance on how to present the written complaint.
- All third parties (i.e. those other than the employer and worker) will be informed of the Parish Councils policy of zero tolerance towards any sexual harassment of its workers. Action will be taken against third parties where workers are subjected to such harassment.

Chair of the Parish Council / Human & Financial Resource Panel.

As soon as the Chair of the Parish Council or any member of the Human & Financial Resource Panel becomes aware that an employee's conduct or behaviour may be in breach of this policy, or as soon as a complaint (whether formal or informal) is received, the Chair of the Parish Council or any member of the Human & Financial Resource Panel will take the following action.

Process

- Consider whether it would be appropriate to suspend or temporarily re-deploy the employee suspected of acting in breach of this policy to allow the investigation to proceed without impediment.
- Talk informally and in confidence to the person who made the complaint to establish his or her evidence, including specific examples of the words and actions of the employee. During the course of such a meeting, the person will be asked to disclose:

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- a) the name of the person alleged to have committed a breach of this policy
 - b) what specifically the individual personally observed, including the words said, tone of voice, manner and surrounding circumstances, as far as the individual can remember
 - c) the times and dates of any alleged incidents
 - d) the names of anyone else that was present.
- Seek if possible to obtain written statements from any such individuals.
 - Write to the employee who is alleged to have acted in breach of this policy, setting out the details of the complaint against him or her and inviting him or her to attend an investigative meeting.
 - Allow the employee the right to be accompanied to the meeting by a friend or trade union official (if applicable).
 - At the interview, allow the employee a full and fair opportunity to answer the allegations and to put forward his or her version of events.
 - Assess objectively and fairly whether the employee's conduct appears to have amounted to bullying or harassment or otherwise to an infringement of this policy.
 - Have the option to decide, in conjunction with a third-party HR Consultant, what action to take. This may include informal counselling, mediation, discussions with both parties with a view to conciliation, or disciplinary action.
 - Communicate the decision both to the individual who made the complaint and to the employee accused of breaching the policy as soon as possible following the conclusion of this procedure.
 - If disciplinary action is taken, allow the employee the right to appeal against the disciplinary decision.
 - Keep records of the investigation and all meetings held and ensure these are treated as confidential and in accordance with the relevant provisions of the General Data Protection Regulation (GDPR).

Appeal Process

An employee who receives a warning or is dismissed for harassment or bullying may appeal against the penalty in accordance with the disciplinary appeals procedure.

Malicious Allegations

If Sacriston Parish Council is satisfied as a result of following this procedure and any associated investigations that the allegations are malicious, then consideration will be given to the appropriate action to be taken against the complainant.

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Appendix 1

What is Harassment?

Harassment is “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”.

Examples of harassment on the grounds of the protected characteristics set out in the Equality Act 2010:

Sexual Harassment

Sexual harassment is unwanted conduct of a sexual nature affecting the recipient's dignity. It may include physical contact, invasion of body space, suggestive remarks, unwanted comments on dress and appearance, jokes of a sexual nature or display of sexually offensive material. It is not uncommon for the person responsible to be unaware of the degree of distress produced.

Racial Harassment

Racial harassment is harassment based on race, nationality or national origin. It includes racist jokes, insults, display of racially offensive material and abusive language. Distressing behaviour may be deliberate, but may also be the result of cultural misunderstanding.

Harassment on the Grounds of Sexual Orientation

Harassment may be against individuals or groups of people who are or are thought to be lesbian, gay or bisexual. Examples include offensive jokes, ridicule, anti-gay comments and stereotyping, verbal abuse, threats, derogatory comments or intrusive questioning about a person's domestic circumstances. Innuendo, gossip or failure to accept partners in appropriate circumstances may also constitute harassment.

Harassment on the Grounds of Gender Reassignment

Harassment may be against individuals who intend to, who are perceived to be or who are associated with someone who intends to undergo, is undergoing, or has undergone gender reassignment.

Harassment on the Grounds of Disability or Disfigurement

Harassment may be based on the fact that a person has a physical or sensory impairment, learning difficulty or disfigurement. It includes offensive or patronising language, action or behaviour, jokes, or inappropriate comments and questions which cause offence to the individual concerned.

Age

Ageism can be experienced by anybody. It may include assumptions regarding the individual's inability to learn, offensive remarks or exclusion on the grounds of age.

Religious or Political Harassment, or Harassment on the ground of Trade Union membership

Religious or Political Harassment is based on religious or political views. This includes offensive jokes, ridiculing or name calling, or display of offensive written or visual material.

The above list is not exhaustive.

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Appendix 2

What Is Bullying?

Bullying, although not defined legally, is described as offensive, intimidating, malicious or insulting behavior, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Anyone can be bullied; it does not have to relate to a protected characteristic.

Attacks on an individual could be sudden, irrational, unpredictable and usually unfair.

Examples of bullying behaviour include:

- Abuse of power or authority
- Verbal, written and/or physical intimidation e.g. threats, derisory remarks
- Insensitive or offensive (including sexist, racist or ageist) jokes or pranks
- Insulting or aggressive behaviour
- Constantly undervaluing effort
- Persistent unjustified criticism
- Public humiliation
- Incessant undermining of authority
- Setting of impossible deadlines or intolerable workload burdens
- Having responsibilities or decision-making powers withdrawn without good reason or explanation
- Ignoring or excluding an individual
- Withholding necessary information
- Cyber-bullying – intimidating, insulting and/or aggressive comments posted on social media platforms