



BRACKLEY TOWN COUNCIL

Bullying and Harassment Policy

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1. Introduction

- 1.1 The Council is committed to creating a harmonious working environment that is free from harassment and where the dignity of employees is protected, which includes discrimination, victimisation and bullying. Harassment is offensive and prejudicial to a productive working environment. It is indicative of a lack of respect for the person harassed, undermines his or her position and may have a negative impact upon health, job performance and sense of personal security.
- 1.2 The Council regards harassment of any sort, as a most serious matter. Such behaviour constitutes discrimination and is unlawful. Harassment may also be a civil offence and a criminal offence, and it may contravene health and safety legislation.
- 1.3 Everyone, including employees and councillors, must comply with this policy and should ensure that their behaviour at all times does not cause offence or constitute harassment. Formal complaints will be investigated and in cases where the complaint is substantiated, appropriate disciplinary action, (including dismissal if appropriate), will be taken against the person or persons responsible.

2. Definition of Harassment

- 2.1 Personal harassment takes many forms. It is uninvited and unwanted actions which cause offence and/or embarrassment, fear, stress or tension. It can be an isolated act such as a comment or wilful gesture, or it can take the form of repeated behaviour against a person.
- 2.2 The defining features of harassment is behaviour that is offensive or intimidating to the recipient and would be regarded as harassment by any reasonable person. Some incidents, if occurring only once, may cause only mild irritation but if they are then repeated, it becomes harassment. Other examples are clearly harassment even if they occur only once.

3. Bullying and Intimidation

Examples of bullying and intimidation might be:

- a) physical conduct ranging from the invasion of personal space to serious assault
- b) verbal, written and e-mail harassment through derogatory remarks, jokes, insults, offensive language, gossip and slander
- c) open aggression, threats and/or shouting
- d) deliberately setting objectives with unreasonable deadlines or changing objectives unfairly
- e) intrusion by pestering, spying, following, stalking etc
- f) unfair allocation of work and responsibilities
- g) behaviour which makes direct or indirect reference to disability or impairment and which causes discomfort, patronises, insults or offends people with a physical, sensory or mental disability

- h) treating someone adversely because they have (or it is suspected/believed that they have) an infectious disease or a protected characteristic under the Equality Act 2010 (including age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, sexual orientation)
- i) repeated gibes in reference to personal traits or appearances, invasion of privacy, or practical jokes causing physical or psychological distress
- j) persistent pressure to become involved in anti-social or unlawful behaviour
- k) deliberately and systematically excluding someone from conversation or inclusion in work activities or events.
- l) repeated statements to an individual or third parties which demean his or her professional status and performance.

4. Procedure for Dealing with Bullying & Harassment

- 4.1 Anyone experiencing harassment should not wait until things become intolerable. Sometimes the person may not realise that his or her behaviour is unwanted or unacceptable and, in such, misunderstandings can be resolved quickly.
- 4.2 It is helpful to make a note of the time, place and nature of any specific incidents and attempts to discuss them. This will provide useful information in following these procedures.
- 4.3 If the employee considers that s/he may have been subjected to conduct amounting to a criminal offence (such as sexual assault), the Town Clerk (or if the employee's issue is with the Town Clerk, the Deputy Town Clerk) will arrange for the employee to be assisted to make a formal complaint to a police officer or to provide the employee with any other assistance that s/he may require. Compassionate leave may be granted at the discretion of the Council.
- 4.4 If the complaint is against a Councillor, the Town Clerk or Deputy Town Clerk will treat the complaint as a breach of the Council's Code of Conduct and take the appropriate action unless action at point 5 below proves sufficient. If the complaint is against a member of the public, the Town Clerk or Deputy Town Clerk will take whatever action is deemed necessary following a thorough investigation (taking not more than two weeks) including reporting the matter to police if considered appropriate, referring it to Council or writing to the member of the public. If necessary, advice will be sought from an external body before appropriate action is taken.

5. Formal Procedure (If the complaint is against a member of staff)

- 5.1 At any time, whether or not informal steps have been taken, an employee who feels that s/he or others have been bullied or harassed in a way that breaches this policy can raise the matter with the Clerk (or if the employee's issue is with the Clerk, the Deputy Town Clerk), either verbally or in writing. The Clerk/Deputy shall form a Grievance & Harassment Panel of the Council, members of which will have no prior knowledge of the case. If the matter relates to a staff member and if the matter is serious enough, that staff member may be suspended on full pay pending the outcome of the investigation.
- 5.2 The Clerk/Deputy will conduct an investigation into the case as soon as possible to establish whether there is a need to take disciplinary action. The Clerk/Deputy will inform the person(s) against whom the complaint is made of the nature of the complaint and that the matter is being investigated formally. Investigations will be carried out with sensitivity and with due respect for the rights of both the complainant and the alleged harasser.
- 5.3 The investigation will focus on the facts of the complaint. Notes will be kept of all stages of the investigation and those interviewed will receive notes of the interview to agree. Parties will not be required to repeat distressing or

embarrassing details any more than is necessary. Wherever possible investigations will be completed within two weeks of the complaint being made.

- 5.4 The importance of confidentiality will be stressed to all those interviewed, and everyone will be strictly required not to discuss the complaint with colleagues or friends. Breach of confidentiality may give rise to disciplinary action.
- 5.5 If the case is not judged serious enough to initiate disciplinary action, the Clerk/Deputy and the Grievance & Harassment Panel will determine appropriate methods of resolving the issue following discussion with both parties.
- 5.6 If the Clerk/Deputy and the Grievance & Harassment Panel upholds the complaint, they will immediately start the appropriate disciplinary procedure and the complainant must be advised of the outcome as soon as possible following disciplinary action.
- 5.7 Throughout the procedures, the complainant will, if s/he requests, be entitled to an assisting member of staff or trade union official who will liaise with the Clerk/Deputy and the Grievance & Harassment Panel and accompany them to any meetings.

6. Appeal

- 6.1 In the event that the complainant feels their grievance has not been satisfactorily resolved, s/he may then appeal in writing to the Clerk/Deputy, within five working days of the decision. The employee should also set out the grounds for his/her appeal.
- 6.2 On receipt of the appeal letter, the Clerk/Deputy, will appoint a new Grievance & Harassment Panel of the Council (none of the committee members will have had any previous involvement in the case) and shall make arrangements to hear the grievance at an appeal meeting. At this meeting the complainant may again, be accompanied by a trade union official or a fellow employee of his/her choice & must make every effort to attend the grievance appeal meeting.
- 6.3 Following the meeting, the Clerk/Deputy will endeavour to respond to the complainant's grievance as soon as possible, usually within five working days of the appeal hearing. If it is not possible to respond within this time period, the complainant will be given an explanation for the delay and be told when a response can be expected. The complainant will be informed in writing of the Grievance Appeal Panel's decision.
- 6.4 This is the final stage of the grievance procedure & the Grievance Appeal Panel's joint decision shall be final.

7. Investigations

The Council is committed to ensuring that all grievances are fully investigated. This may entail carrying out interviews with the employee(s) concerned and third parties such as witnesses, colleagues and managers, as well as analysing written records and information. The investigation report will be made available to all the parties concerned. Where necessary, the identity of witnesses will be kept confidential.

8. Notes

- 8.1 All complaints will be treated with due regard for confidentiality.
- 8.2 Every effort will be made to ensure that employees are encouraged to raise grievances and will not suffer any detriment from so doing. However, it should be noted that if the grievance is found to be malicious or to have been made in bad faith, then the employee will be subject to the Town Council's disciplinary procedure.

- 8.3 The timescales listed above will be adhered to wherever possible. However, where there are good reasons, e.g. the need for further investigation or the lack of availability of witnesses or companions, each party can request that the other agrees to an extension of the permitted timescale.
- 8.4 The Council reserves the right to seek assistance from external facilitators at any stage in the grievance & harassment procedure, in the interest of seeking a satisfactory outcome for all concerned.
- 8.5 This procedure is for guidance only and does not form part of employees' contractual rights.