

## **Bullying and Harassment Policy**

### **1. Purpose and Scope**

#### 1.1 Statement

In support of our value to respect others the Council will not tolerate bullying or harassment by, or of, any of its councillors, members, contractors, visitors to the council or members of the public from the community which we serve. The council is committed to the elimination of any form of intimidation in connection with the council and its work.

This policy reflects the spirit in which the council intends to undertake all of its business and outlines the specific procedures available to all, in order to protect them from bullying and harassment. It should be read in conjunction with the Members' Code of Conduct.

#### 1.2 Definitions

- Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour 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.

#### 1.3 Examples of bullying and harassment

Unacceptable behaviour includes spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, making threats of physical violence against a person or their family, deliberately undermining an individual by overloading work and/or constant criticism, blaming a person for others' mistakes. Bullying and harassment may occur face-to-face, in meetings, through written communication, including electronic communication such as e-mail or on social media, by telephone or through automatic supervision methods. It may occur on or off council premises, during council working hours or non-work time. This list is not exhaustive.

#### 1.4 Penalties

If elected Members are bullying or harassing residents, contractors, fellow councillors or others, then a referral as a contravention of the Member's Code of Conduct could be an appropriate measure. If a Councillor is experiencing bullying or harassment from a third party, the Council will act reasonably in upholding its duty of care. In extreme or prolonged cases, harassment can constitute a criminal offence and the Council will take appropriate legal advice.

### 1.5 The legal position

Councils have a duty of care towards all their members 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 related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination. 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.

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

### 2.1 Informal approach

Anyone 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, or an intermediary, that their conduct is unacceptable, offensive or causing discomfort. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

### 2.2 Formal approach

Anyone who feels he or she is being bullied or harassed should raise their complaint with the Council if an informal notification 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. It is important that any council member; resident of the parish; or other individual or group, about which the complaint is against, cannot prevent the Council operating impartially in its investigation and decision-making in this regard.

The range of sanctions available to the Council include admonishment and an undertaking not to repeat the process, removal of opportunities to further harass/bully, banning from any committees of the Council, referral under the Code of Conduct, referral to the Police under the Protection from Harassment Act 1997. This list is not exhaustive.

Note: False or malicious allegations of harassment or bullying will not be tolerated and will be dealt with in the same manner.

## **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 and to review its policy as appropriate.