

Great Aycliffe Town Council



ANTI-BULLYING & HARASSMENT POLICY

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ANTI-BULLYING & HARASSMENT POLICY

Introduction

- 1 All individuals have a right to be treated with dignity and respect whilst at work, or using Great Aycliffe Town Council's services. In particular, the Council honours its duty of care to ensure workers are not harassed or bullied in the workplace. The Council undertakes that complaints from workers of harassment, sexual harassment or bullying will be dealt with seriously, expeditiously and confidentially.
- 2 Harassment, sexual harassment, or bullying can be defined as any unsolicited and unwelcome hostile or offensive act, expression or derogatory statement including incitement to commit such behaviour which causes distress to an individual. Harassment, or sexual harassment, may be direct or it may be by indirect means.
- 3 Great Aycliffe Town Council will not tolerate harassment, sexual harassment or bullying from any source, including elected members, managers, fellow workers and members of the public and acknowledges that such behaviour is unlawful.
- 4 Likewise, the Council will not tolerate victimisation of any employee who has complained of or provided information about harassment.
- 5 Personal harassment, sexual harassment, bullying and victimisation **will** be regarded as misconduct, and disciplinary measures **will** be taken against employees, where it is established that there is a case of personal or sexual harassment up to and including dismissal.
- 6 The implementation and enforcement of this policy in association with the terms and conditions of employment is intended to protect the employee, colleagues, members of the public and the Council.

Equalities

- 7 All employees and Elected Members of the Council are expected to treat each other and members of the public equally and with respect regardless of – Age, Disability, Gender Reassignment, Marriage & Civil Partnership, Pregnancy & Maternity, Race, Religion & Belief, Sex or Sexual Orientation.
- 8 Discrimination takes place when an individual or a group of people is treated less favourably than others because of any of the characteristics set out above.

Legal Background

- 9 Bullying and Harassment is unlawful under the Health and Safety at Work Act 1974 and the Equality Act 2010. The Equality Act 2010 defines the protected characteristics under which claims of harassment can be made as Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex, Sexual Orientation.

The Worker Protection (Amendment of Equality Act 2010) Act 2023 requires all employers to take reasonable steps to prevent sexual harassment of their employees, either from other people at work or third parties, for example customers and clients.

Aims and Scope

- 10 This policy is intended to apply to all employees and elected Members:
- to prevent any type of harassment occurring in the workplace.
 - to provide mechanisms by which complainants can take action without victimisation.
 - to raise employees' awareness so that any type of harassment or bullying is avoided.
- 11 All employees and Members are required to comply with this policy and are encouraged to take appropriate measures to ensure that harassment or bullying does not occur.
- 12 All employees and Members need to think about their own behaviour and that of their colleagues and reflect whether it might be unacceptable, or be offensive.
- 13 For the purpose of this document, 'during the course of employment' includes activities, occasions or events that are connected to work but may not necessarily take place in the workplace or during normal working hours.
- 14 This policy does not give contractual rights to individual employees. The Council reserves the right to alter any of its terms at any time although we will notify you in writing of any changes.

Definition

Bullying

- 15 Bullying has various definitions, but what can be defined as bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical, psychological or otherwise.
- 16 Workplace bullying is a form of harassment, it is unwanted, unwelcome, persistent behaviour, and may have many motivations but is best understood as direct systematic attempt either by means of physical or psychological behaviour to undermine an employee's sense of value in his/her employment. Bullying can be conducted by one or more persons against another or others at their place of work. An isolated incident of the behaviour described may be an affront to dignity at work, but as a one-off incident is not considered bullying.

Harassment

- 17 Harassment may be persistent or a single isolated incident. The key is that the actions or comments are viewed as hostile or intimidating, demeaning and unacceptable to the recipient. Employees can also complain of behaviour that they find offensive even if it is not directed at them, but at another member of staff.
- 18 Harassment may have either the purpose or effect of violating an individual's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

However, no behaviour which causes distress to another employee is acceptable at work.

- 19 The types of behaviour which might cause distress or offence range from the very obvious, such as physical assault, to the very subtle, such as continually undermining a colleague. The following are an indication of some types of behaviour which are not acceptable. However; this is not an exhaustive list.

Examples of unacceptable behaviour

- 20 Remarks, derogatory comments, jokes, offensive or suggestive literature, e.g. 'pin-ups', racist jokes, unwanted physical contact, physical or verbal assault, unwelcome sexual advances, embarrassing, threatening, humiliating, patronising or intimidating remarks, unwarranted threats of disciplinary action, undermining a person's esteem, unacceptable aggressive style from Supervisors/Senior Officers, suggestive remarks, insulting behaviour or gestures.
- 21 The basis of personal harassment can be very broad, encompassing, for example, age, physical attributes, sexuality, disability, race or sex, etc., or a personality clash.

Sexual Harassment

- 22 Sexual harassment can happen to men, women and people of any gender identity or sexual orientation. It can be carried out by anyone of the same sex, a different sex or anyone of any gender identity.

A person could experience sexual harassment from anyone they come into contact with because of their job, including:

- Someone they work with.
- A manager, supervisor or someone else in a position of authority.
- Third parties – for example customers, clients and members of the public.

- 23 Sexual harassment can be a one-off incident or an ongoing pattern of behaviour. It can happen in person. It can also happen online, for example in meetings, email, social media or messaging tools. Employees should refer to the Council's Social Media Acceptable Use policy for further information.

Examples include:

- Making sexual remarks about someone's body, clothing or appearance.
- Asking questions about someone's sex life.
- Telling sexually offensive jokes.
- Making sexual comments or jokes about someone's sexual orientation or gender reassignment.
- Displaying or sharing pornographic or sexual images, or other sexual content.
- Touching someone against their will, for example hugging them.
- Sexual assault or rape.

What some people might consider as joking, 'banter' or part of their workplace culture can still be sexual harassment.

- 24 Sexual harassment is usually directed at an individual, but it's not always the case. Sometimes there can be a culture of behaviour that's not specifically aimed at one person – such as sharing sexual images. Someone could still make a complaint of sexual harassment in this situation.

What Bullying or Harassment is NOT

- Constructive and fair criticism of an employee's conduct or work performance.
- Legitimate management responses to pressurised situations that require immediate action, or which arise from staff shortages and consequent increased workload.

Commitment

- 25 The Council is fully committed to the development of positive policies and procedures to eliminate discrimination and actively promote equality of opportunity for our staff, customers, contractors or visitors. We believe that where respect for diversity and equality of opportunity exists, all staff can work in a more rewarding and less stressful environment; one where discrimination, prejudice and harassment are not accepted, and one more likely to enhance performance and achievement, allowing employees to fully utilise their skills and talents and achieve their full potential.
- 26 Managers have the responsibility to ensure that harassment, discrimination and bullying is not permitted within their sphere of management, and that incidents arising are dealt with firmly and fairly. Complaints will be taken seriously, and investigations carried out thoroughly.
- 27 All employees have a personal responsibility to ensure their own conduct does not cause offence. Issues of harassment, discrimination or bullying should be raised in a timely manner in order that any investigation is carried out at the earliest opportunity.
- 28 The risk of sexual harassment to employees of the Council has been assessed and will be regularly reviewed.
- 29 All employees receive training to assist them in recognising and dealing with sexual harassment. This is tailored to be relevant to each of the Council's services or facilities.

Responsibilities

Town Clerk

- 30 The Town Clerk has a responsibility to:-
- Ensure that the workplace is free from harassment and bullying.
 - Inform all employees of what is and is not acceptable behaviour at work.
 - Inform all employees of the action they can take, if they feel they are being harassed.
 - Inform employees that harassment is a disciplinary offence and that, if claims are substantiated, the disciplinary procedures may be invoked.
 - Ensure employees are aware that any victimisation of an employee complaining of harassment will be treated as misconduct and may result in disciplinary proceedings.

Senior Managers and Supervisors

- 31 It is the manager's/supervisor's responsibility to;

- Ensure that any form of harassment does not take place in the workplace and this includes ensuring that a culture of unacceptable behaviour is not allowed to develop.
- Take appropriate action if harassment or bullying occurs and ensuring complaints are treated sensitively and in accordance with the procedure.
- Provide regular training to staff to enable them to recognise and challenge sexual or any other type of harassment or bullying.

Employees and Members

- 32 It is the employees and Members' responsibility to;
- Be aware of their behaviour and the effect it may have on other people and ensure that their behaviour does not contribute to incidents of harassment, sexual harassment, or bullying.
 - Be aware of the problems which harassment or bullying can cause.
 - Bring to the attention of colleagues or managers that certain conduct or behaviour is causing concern or offence.
- 33 Members are also obliged to comply with the Members' Code of Conduct.
- 34 Employees are also obliged to comply with the Officers' Code of Conduct.

Monitoring

- 35 The Anti-Bullying and Harassment Policy will be monitored by the Town Clerk.

COMPLAINTS PROCEDURE

- 1 If a complaint regarding personal harassment, sexual harassment or bullying cannot be resolved through an informal process, employees may make a formal complaint to any Senior Manager. An effort should be made to resolve these issues before the need for a formal complaint arises, but employees should not feel pressured to do so if this would be difficult or stressful for them.
- 2 If one of the parties concerned in a personal harassment/bullying case has to be removed from the workplace then, as a matter of principle, Great Aycliffe Town Council will remove the harasser rather than the complainant.
- 3 It is possible to withdraw a formal complaint unless the disciplinary process has begun, but the consequences of making a formal complaint should be explained. The alleged harasser may want an opportunity to defend his/her reputation if a complaint is made formally and then withdrawn.
- 4 If possible an employee who is being harassed or bullied should attempt to resolve the problem informally in the first instance. In some cases it may be possible and sufficient for the employee to explain clearly to the person engaged in the unwanted conduct that the specific behaviour is not welcome, it offends them or makes them uncomfortable and it interferes with their work.
- 5 In circumstances where it is too difficult or embarrassing for the employee to speak

to the person engaging in unwanted conduct, the employee may seek support from or may seek an initial approach to be made by a Supporter/Adviser/Trade Union representative so that an informal solution can be sought – either by accompanying the person being harassed or by seeing the alleged harasser separately.

- 6 Where Senior Officers or Supervisors receive and deal with a complaint of harassment, sexual harassment or bullying, they should keep a confidential report of the complaint for future monitoring purposes and make the Corporate and Policy Officer aware of the complaint as soon as it has been reported (should further support or guidance be required)

Informal Approach

- 7 Any complaint regarding personal or sexual harassment/bullying should in the first instance be reported to a **line manager or supervisor**.
- 8 This will be recorded and reported to a Senior Manager (in confidence). The Manager or Supervisor will then begin an informal investigation. Where the complaint is against the Line Manager or Supervisor it will be reported directly to a Senior Manager, who will undertake an investigation. If the complaint is about the Town Clerk the employee shall complain to the Chairman of the Personnel Sub-Committee. If the complaint is against the Corporate & Policy Officer or Finance Manager the complaint should be addressed to the Town Clerk.
- 9 Both parties will be interviewed separately and confidentially and a record of the meetings kept.
- 10 The aim of the confidential meeting is to confirm with the alleged harasser that the alleged incident occurred, irrespective of intention, to point out that the harasser's behaviour as being unacceptable, to obtain an apology and agreement to cease the behaviour.

Formal Approach

- 11 This procedure should be used if you have already approached the alleged harasser and they have not stopped or if you do not feel the informal procedure is appropriate or you do not wish to approach the alleged harasser.
 - a All complaints shall be in writing, as per the Council's Grievance Policy, and addressed to a Senior Manager (who will become the Investigating Officer, unless the complaint is about the Town Clerk in which case the employee shall complain to the Chairman of the Personnel Sub-Committee). If the complaint is against the Corporate & Policy Officer the complaint should be addressed to the Town Clerk.
 - b The nominated Senior Manager, is empowered to investigate all aspects of the complaint and to decide on appropriate action.
 - c The nominated Senior Manager, will interview the complainant, and alleged harasser, both of whom may be accompanied by a trade union or other representative, as well as any witnesses to the allegations.
 - d Should the nominated Senior Manager consider that there may have been misconduct or gross misconduct by an employee, this should be dealt with

immediately under the disciplinary procedure.

- e Aggravating factors, such as an abuse of power over a more junior colleague, will be taken into account in determining disciplinary action.
- f The nominated Senior Manager, will endeavour to resolve the complaint through discussions with the parties involved.
- g The nominated Senior Manager, will inform the employee in writing of the outcome within five (5) working days, together with reasons for the decision, and the right of appeal. The appeals procedure will be as detailed in the Councils Appeals Notification Procedure.

Appeals

- 12 Appeals will be dealt with under the Council's Appeals Notification Procedure.
- 13 If, following notification of the Investigating Officer's decision, (or the Elected Members' decision if the allegation is against the Town Clerk), the employee remains aggrieved, the employee can appeal.
- 14 There is no appeal against informal action. A pro-forma (see the Council's Appeals Procedure) should be included on which the employee can give notice of appeal, including identification of the grounds for the appeal.
- 15 The time scale for requesting an appeal will be five working days from the date of the written confirmation of the outcome of the investigation.
- 16 The decision of the Member Appeal Panel will be final.

Complaints against the Town Clerk or Elected Member

- 17 If the complaint is about the Town Clerk the employee shall put the complaint in writing to the Chairman of the Personnel Sub-Committee who will make arrangements for the matter to be investigated.
- 18 In the event of the complaint being against an Elected Member the Town Clerk will discuss the matter with the Chairman of the Personnel Sub-Committee or other Elected Members as appropriate before proceeding further.

Third Party Bullying, Harassment and Sexual Harassment

- 19 Bullying, harassment or sexual harassment of Council employees by third parties, such as customers, service users, contractors, parents/guardians or members of the public is unlawful and will not be tolerated by the Council.
- 20 Employees are instructed and encouraged to report any incidences of bullying, harassment or sexual harassment to their manager so that appropriate measures may be considered - for example the Council's Exclusion policy may be used to deal with such instances, where appropriate, or referral to Pubwatch, law enforcement or legal advice.

Vexatious and Frivolous Complaints

- 21 A frivolous or vexatious complaint can be characterised in a number of ways.
- Complaints which are obsessive, persistent, harassing, prolific and repetitious.
 - When a complaint is untrue with the intent of bringing about inappropriate or unjustified disciplinary action.
 - Insistence upon pursuing complaints and/or unrealistic outcomes in an unreasonable manner.
 - Complaints which are designed to cause disruption or annoyance.
 - Demands for redress which lack any serious purpose or value.
- 22 The Council understands that if an employee makes what they believe is a complaint, then it is a concern to them, whatever others might think.
- 23 Deciding whether a complaint is frivolous or vexatious is a balancing exercise, taking into account all the circumstances of the case. Using the list above if an employee persistently raises the same, or a very similar, complaint after investigation(s) have been completed it will be deemed to be either frivolous or vexatious and will not be investigated again.
- 24 Employees who make a complaint knowing that it is false, with malicious intent, will be subject to investigation under the Disciplinary Policy.

No employee needs fear they will be victimised for bringing a complaint of personal or sexual harassment or bullying