



## **DOWNHAM MARKET TOWN COUNCIL**

# **BULLYING AND HARASSMENT POLICY**

**DATE OF IMPLEMENTATION: Full Council 18 JULY 2023**

**Signed : Mayor**

**Date:**

**Review date:**

## **Bullying and Harassment Policy**

### **1. PURPOSE AND SCOPE**

#### **1.1 STATEMENT**

In support of our value to respect others, Downham Market Town Council (the Council) will not tolerate bullying, or harassment by, or of, any of their employees, Councillors, officials, contractors or visitors to the Council or members of the public from the community. The Council is committed to the elimination of any form of intimidation at 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 employees in order to protect them from bullying and harassment.

The Council will issue this policy to all employees as part of their induction and to all Councillors as part of their Councillor Pack. The Council may also share this policy with contractors, visitors and members of the public and will be subject to revision from time to time.

This policy should be read in conjunction with the Council's policies on Grievance, Disciplinary Handling, and the Councillors' Code of Conduct.

#### **1.2 DEFINITIONS**

##### **1.2.1 BULLYING**

The Advisory Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails, or phone calls, happen in the workplace or at work social events and may not be obvious or noticed by others.

##### **1.2.2 HARASSMENT**

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

This policy covers, but is not limited to, harassment on the "protected characteristics" of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

#### **1.3 EXAMPLES**

1.3.1 Examples of unacceptable behaviour are as follows (this list is not exhaustive).

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, deliberately undermining a competent worker by overloading work and/or constant criticism, preventing an individual's promotion or training opportunities.

#### **1.4 PENALTIES**

- 1.4.1 Bullying and harassment are considered examples of serious misconduct which will be dealt with under the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the Council for employees or through referral to the Monitoring Officer of the King's Lynn and West Norfolk Borough Council, (BCKLWN) as a contravention of the Members' Code of Conduct which may result in penalties against the Councillor concerned.
- 1.4.2 In extreme cases, harassment can constitute a criminal offence and the Council should take appropriate legal advice, sometimes from the Council's insurer, if such matters arise.

#### **1.5 THE LEGAL POSITION**

- 1.5.1 The Council has a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. Bullying or harassment may be considered unlawful discrimination; 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. In addition, a person accused of harassment or bullying may be personally liable to pay damages if a person believes they have been subject to harassment or bullying by them and complains to an Employment Tribunal on the grounds of the "protected characteristics" and that complaint is upheld.

#### **1.6 PROCEDURES**

- 1.6.1 In conjunction with complying with the Council's Grievance Policy and Complaints Policy, if an allegation of bullying or harassment is made, the following steps will be taken:

##### **1.6.2 INFORMAL APPROACH**

Anyone; employee, Councillor, contractor, or visitor, who feels he/she/they 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 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.

- 1.6.3 An employee who feels they are being bullied or harassed may also raise the matter informally with the Town Clerk or The Chair of the Human Resources (HR)

Committee. The Town Clerk or Chair of HR may speak with the person(s) causing concern informally to address the issue.

#### **1.6.4 FORMAL APPROACH**

a) Employees - Where an employee feels unable to resolve the matter informally, a complaint can be raised confidentially and informally, initially with the Town Clerk. If the complaint is about the Town Clerk, to raise with the Chair of HR. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked. The employee will be expected to provide evidence of the conduct about which he/she/they is complaining. A meeting will be arranged to discuss the complaint with the complainant, normally within ten working days of receipt of the written complaint. Following a Grievance Hearing or investigations into allegations of bullying or harassment, a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.

#### **1.7 OTHERS**

1.7.1 Any other party to the Council, other than an employee who feels he/she/they is being bullied or harassed should raise their complaint with the Town Clerk or Chair of HR. If an informal notification to a Councillor has been unsuccessful in eliminating the problem, or where a Councillor is directly involved in the bullying or harassment, then a complaint can be made to the Monitoring Officer at BCKLWN.

1.7.2 False or malicious allegations of bullying or harassment which damage the reputation of a fellow employee or Councillor will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure and/or a referral to the Monitoring Officer.

1.7.3 If a Councillor is bullying or harassing Council employees, contractors, fellow Councillors or members of the public, a referral to the Monitoring Officer as a contravention of the Code of Conduct may be an initial appropriate measure. If this is unsuccessful, then a referral to the Council's solicitors may follow.

1.7.4 If any employee is experiencing bullying or harassment from a member of the public the Council will act reasonably in upholding its duty of care towards its own employees. Such complaints will be taken seriously and will be pursued with the third party concerned, exercising whatever sanctions are available.

1.7.5 A member of the public who feels he/she/they has been bullied or harassed by any Councillor or employee of the Council should use the Council's Complaints Procedure. Details are found on the Council's website.

#### **1.8 RESPONSIBILITIES**

1.8.1 All parties to the Council have a responsibility to ensure that their conduct towards others does not bully or harass 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.

**END**