

Full name: Anti-harassment and bullying policy (long form).

DATED

7 February 2018

ANTI-HARASSMENT AND BULLYING POLICY

CONTENTS

CLAUSE

1.	About this policy.....	1
2.	Who is responsible for this policy?	1
3.	What is harassment?.....	2
4.	What is bullying?	3
5.	If you are being harassed or bullied: informal steps.....	3
6.	Raising a formal complaint.....	4
7.	Formal investigations	4
8.	Action following the investigation	5
9.	Appeals.....	6
10.	Protection and support for those involved	6
11.	Confidentiality and record-keeping	6

1. ABOUT THIS POLICY

- 1.1 Stoke Ferry Parish Council is committed to providing a working environment free from harassment and bullying and ensuring all staff are treated, and treat others, with dignity and respect, this also includes its Councillors. This policy also extends to members of the public and contractors.
- 1.2 This policy covers harassment or bullying which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions. It covers bullying and harassment by staff and Councillors (which may include consultants and contractors) and by third parties such as members of the public.
- 1.3 This policy covers all employees and Councillors.
- 1.4 This policy does not form part of any employee's contract of employment and we may amend it at any time.
- 1.5 This policy has been agreed following consultation with employees and Councillors of the Stoke Ferry Parish Council.

2. WHO IS RESPONSIBLE FOR THIS POLICY?

- 2.1 The Stoke Ferry Parish Council has overall responsibility for the effective operation of this policy but has delegated day-to-day responsibility for overseeing its implementation to the Parish Clerk.
- 2.2 The Stoke Ferry Parish Council has a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to act when behaviour falls below its requirements. This also extends to members of the public who attend meetings and communication with the employees of the parish council and Councillors, by any form of communication, and also extends further to Contractors, and in these cases will be challenged by the Parish Clerk or Chair to remedy any behaviours.
- 2.3 Stoke Ferry Parish Councillors and its employees should disclose any instances of harassment or bullying of which they become aware to the Parish Clerk or Chair or as appropriate or in their absence of the Chair or both the Vice Chair of the Stoke Ferry Parish Council.
- 2.4 Questions about this policy and requests for training or information on dealing with bullying or harassment should be directed to Parish Clerk or Chair.

- 2.5 This policy is reviewed annually by the Stoke Ferry Parish Council in consultation with its employees
- 2.6 The Stoke Ferry Parish Council has responsibility for ensuring that any person who may be involved with investigations or administrative tasks carried out under this policy receive regular and appropriate training to assist them with these duties.
- 2.7 Employees are invited to comment on this policy and suggest ways in which it might be improved.

3. WHAT IS HARASSMENT?

- 3.1 Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.
- 3.2 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 3.3 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.
- 3.4 Harassment may include, for example:
- (a) unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
 - (b) continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
 - (c) sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
 - (d) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
 - (e) racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
 - (f) outing or threatening to out someone as gay or lesbian;
 - (g) offensive e-mails, text messages or social media content; or
 - (h) mocking, mimicking or belittling a person's disability.

3.5 A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

4. WHAT IS BULLYING?

4.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

4.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- (a) physical or psychological threats;
- (b) overbearing and intimidating levels of supervision;
- (c) inappropriate derogatory remarks about someone's performance;

4.3 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers during their employment, will not amount to bullying on their own.

5. IF A COUNCILLOR OR EMPLOYEE IS BEING HARASSED OR BULLIED: INFORMAL STEPS

5.1 If an employee or Councillors are being harassed or bullied, consider whether it is possible to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to the Clerk, Chair or other appropriate member of the Parish Council, who can provide confidential advice and assistance in resolving the issue formally or informally.

5.2 If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should initially contact Clerk or Chair informally for confidential advice.

5.3 If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out below.

6. RAISING A FORMAL COMPLAINT

- 6.1 If an employee or Parish Councillor wishes to make a formal complaint about bullying or harassment, they should submit it in writing to the Clerk, Chair or Vice Chair, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns that person, you should refer it to the Stoke Ferry Parish Council as appropriate.
- 6.2 A written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- 6.3 As a general principle, the decision whether to progress a complaint is up to victim. However, the Stoke Ferry Parish Council have a duty to protect all staff and Councillors and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

7. FORMAL INVESTIGATIONS

- 7.1 We will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.
- 7.2 We will arrange a meeting with the victim (employee or Parish Councillor), usually within one week of receiving a complaint, so that they can give their account of events. They have the right to be accompanied by a colleague or a trade union representative of their choice, who must respect the confidentiality of the investigation. They will be given a provisional timetable for the investigation. The investigator will arrange further meetings with the victim as appropriate throughout the investigation.
- 7.3 Where your complaint is about an employee, the Stoke Ferry Parish Council may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged harasser or bully to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond, which may be appropriate in the instance of a member of the public or contractor.

- 7.4 Where your complaint is about someone other than an employee, such as a member of the public, visitor or contractor, the Stoke Ferry Parish Council will consider what action may be appropriate to protect their employees or Parish Councillors and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.
- 7.5 We will also seriously consider any request that an employee make changes to their own working arrangements during the investigation. For example the employee may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully, which could be a member of the public, Councillor, visitor or contractor.
- 7.6 It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.
- 7.7 At the end of the investigation, the investigator will submit a report to a the Stoke Ferry Parish Council nominated person to consider the complaint. This person will arrange a meeting with the victim, usually within a week of receiving the report, in order to discuss the outcome and what action, if any, should be taken. The victim has a right to be bring a colleague or a trade union representative to the meeting. A copy of the report and the nominated persons findings will be given to the victim and to the alleged harasser.

8. ACTION FOLLOWING THE INVESTIGATION

- 8.1 If the nominated person considers that harassment or bullying has occurred, prompt action will be taken to address it.
- 8.2 Where the harasser or bully is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure.
- 8.3 If the harasser or bully is a third party such as a member of the public, visitor or contract, the Stoke Ferry Parish Council will consider what action would be appropriate to deal with the problem. Whether or not a complaint is upheld, the Stoke Ferry Parish Council will consider how best to manage any ongoing working relationship between the person who has raised the complaint and the person concerned.
- 8.4 Whether or not a complaint is upheld, the Stoke Ferry Parish Council will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties for employees or Parish Councillors.

8.5 Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.

9. APPEALS

9.1 If you are not satisfied with the outcome you may appeal in writing to the Clerk or Chair, stating your full grounds of appeal, within two weeks of the date on which the decision was sent or given to you.

9.2 The Stoke Ferry Parish Council will hold an appeal meeting, normally within two weeks of receiving your written appeal. This will be dealt with impartially by a Parish Councillor who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting.

9.3 We will confirm our final decision in writing, usually within two weeks of the appeal hearing. This is the end of the procedure and there is no further appeal.

10. PROTECTION AND SUPPORT FOR THOSE INVOLVED

10.1 Staff or Parish Councillors who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

10.2 If you believe you have suffered any such treatment you should inform the Clerk or Chair, or Vice Chair. If the matter is not remedied you should raise it formally using our Grievance Procedure or this procedure if appropriate.

11. CONFIDENTIALITY AND RECORD-KEEPING

11.1 Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

11.2 Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.