

Westerleigh Parish Council Policy on BULLYING & HARASSMENT

(Treating others with dignity and respect)

1. INTRODUCTION

1.1 Analysis of complaints lodged to the Standards Board for England indicates that there is a significant problem of bullying and harassment occurring at parish level between Councillors and Officers.

1.2 "Lack of respect for others" is a breach of the Code of Conduct. The Standards Board for England regards complaints of bullying and harassment extremely seriously.

1.3 Adhering to this Policy should help to ensure that Councillors and Officers and Officers and Councillors operate in an environment of mutual trust and respect.

2. BACKGROUND

2.1 The relationship between Councillors and Officers is an essential ingredient that should contribute to the successful working of Westerleigh Parish Council. This relationship should be characterised by mutual respect and trust. Councillors and Officers must feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. Objective criticism is usually acceptable but can be unacceptable if the criticism becomes personal. The Protocol gives guidance on what to do on the occasions when things go wrong.

2.2 Everyone should be treated with dignity and respect at work.

Bullying and harassment of any kind are in no-one's interest and should not be tolerated in the workplace.

3. WHAT IS BULLYING AND HARASSMENT?

Examples and definitions of what may be considered bullying and harassment are provided below for guidance. For practical purposes those making a complaint usually define what they mean by bullying or harassment - something has happened to them that is unwelcome, unwarranted and causes a detrimental effect. If employees complain they are being bullied or harassed, then they have a grievance that must be dealt with regardless of whether or not their complaint accords with a standard definition.

4. RECOGNISING BULLYING AND HARASSMENT

4.1 There are many definitions of bullying and harassment.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means to undermine, humiliate, denigrate or injure the recipient.

4.2 Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

4.3 Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the "grey" areas that cause most problems. Examples of what is unacceptable behaviour include:

- Inappropriate behaviour
- Intimidation/humiliation
- Excessive criticism
- Autocratic/dictatorial behaviour
- Shouting
- Browbeating
- Haranguing
- Swearing
- Ridiculing
- Expressions of intolerance
- General discourtesy.

4.4 Bullying and harassment are not necessarily face-to-face; they may be by written communications, e-mail, telephone or comments made to a third party.

5. WHY DOES THE COUNCIL NEED TO TAKE ACTION ON BULLYING AND HARASSMENT?

5.1 There is an implied term of mutual trust and confidence in every contract of employment. Where the Council is aware of a situation of bullying or harassment of an employee by one of its Councillors or a fellow employee, but fails to act to stop it, it will be in breach of that implied term of employment contract and may be held liable for the constructive dismissal of that employee.

5.2 It is in every employer's interest to promote a safe, healthy and fair environment in which people can work.

5.3 The Council's duty of care to its employees relates to all forms of personal injury, which will include mental as well as physical health. If a risk to health was foreseeable but no action was taken then the Council could be at fault and compensation could be sought.

6 THE COUNCILLORS' CODE OF CONDUCT AND HOW IT APPLIES TO THIS POLICY

6.1 As a Member of Westerleigh Parish Council, councillors conduct will in particular address the statutory principles of the code of conduct by:

- "Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government;"
- "Always treating people with respect, including the organisations and public I engage with and those I work alongside."

All of these obligations are also relevant to the Parish Clerk and his or her staff.

6.2 The Standards Board for England has indicated that it regards such allegations of bullying or harassment very seriously. A proven allegation of bullying or harassment will always be a breach of the Code of Conduct.

6.3 If there are instances of bullying or harassment by Councillors towards Officers or other Councillors, then it is the duty of those Councillors who are aware of the incident to report it to the local Standards Committee. It is also open to Officers either who are the subjects of bullying or harassment by Councillors, or who witness such an incident to report it to the local Standards Committee.

6.4 If Councillors or Officers do witness incidents of bullying or harassment by Councillors, they should report the matter to the local Standards Committee, or if unsure what to do or how to report the matter, they should seek the advice of the Monitoring Officer at South Gloucestershire Council.

7 EMPLOYEES

7.1 If an employee is being bullied or harassed by a fellow employee, or councillor they should report it to the Parish Clerk. In the Parish Clerk's case, a report should be made to an appropriate Councillor - usually either the Chair of the Council or the Chair of the Staffing Committee.

8 GRIEVANCES

8.1 An employee should consider making full use of the Council's grievance procedure if matters are not resolved.

Policy first adopted by Westerleigh Parish Council on 4th July 2016