



BULLYING AND HARASSMENT POLICY

Background

The relationship between Councillors, and between Councillors and the Clerk are an essential ingredient that should contribute to the successful working of the Council. The relationship within the authority should be characterised by mutual respect, informality and trust. Councillors and the Clerk must feel free to speak to one another openly and honestly. Objective criticism is usually acceptable but can be unacceptable if the criticism becomes personal. This protocol gives guidance on what to do on the rare occasions when things go wrong.

Everyone should be treated with dignity and respect. Bullying and harassment of any kind are in no-one's interest and should not be tolerated.

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 a complaint of being bullying or harassment is received, then that person has a grievance which must be dealt with regardless of whether or not their complaint accords with a standard definition.

How can bullying and harassment be recognised?

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.

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.

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

Bullying and harassment are not necessarily face to face; they may be by written communications, e-mail and telephone.

Why does the Council need to take action on bullying and harassment?

There is an implied term of mutual trust and confidence in every contract of employment. Where the parish council is aware of a situation of bullying or harassment of an employee by one of its Councillors, 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. It is in every employer's interest to promote a safe, healthy and fair environment in which people can work.

Both bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment can lead to poor morale, low productivity and poor performance, lack of respect for others, a high turnover of Councillors, damage to the Council's reputation and ultimately, court cases and payment of compensation.

Process for dealing with complaints of Bullying and Harassment

Informal approach

Anyone, who feels they are 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.

Formal approach

Employees

Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Chair of the Council or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion with the Councillor, as this will enable a formal reference to full Council for a decision.

Others / Councillors

Any other party to the Council, other than an employee who feels they are being bullied or harassed should raise their complaint with a Councillor, where possible, or the Monitoring Officer if an informal notification to a member has been unsuccessful at eliminating the problem or where a member is directly involved in the bullying or harassment. The complaint should then be investigated and a hearing held to discuss the facts and recommend the way forward.

A member of the public who feels he/she has been bullied or harassed by any Council Member or The Clerk of the Council should use the Council's official Complaints Procedure

The Members' Code of Conduct

Bullying is expressly forbidden under paragraph 3(2)(b) of the Model Code of Conduct. There are, in addition, complementary obligations to:

- not do anything which may cause the authority to breach any equality laws;
- treat others with respect;

- not intimidate any person who is or is likely to be a complainant, a witness or involved in an investigation relating to a breach of the Code; and
- Not compromise or attempt to compromise the impartiality of those who work for, or on behalf of, the authority.

A proven allegation of bullying or harassment will always be a breach of the Code of Conduct and the Councillor involved is liable to be reported to the Standards Committee. Councillors are entitled to challenge Officers / fellow Councillors as to why they hold their views. However, if criticism amounts to a personal attack or is of an offensive nature, the Councillor is likely to have crossed the line of what is acceptable behaviour.

If Members or Officers are unsure what to do or how to report the matter, they should seek the advice of the Monitoring Officer at Breckland District Council.

Council Meetings

In a Council meeting if the bullying or harassment is from a member of the Public they will be dealt with in accordance with the Council's Standing orders and which may lead to the person being required to leave the meeting. It may also result in a referral to the police for it to consider whether a prosecution may be appropriate.

The policy was first adopted 17th November 2021 and will be monitored and reviewed regularly.