Dignity at Work; Bullying and Harassment Policy

**Introduction**

The Equality Act 2010 took effect on 1 October 2010 and replaces the previous antidiscrimination legislation. It simplifies the law removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in order to help tackle discrimination and inequality.

This Policy sets out Glapwell Parish Council’s aim to be an environment where everyone is treated with dignity and respect, equality is promoted, and diversity is valued. The policy also outlines the rights and responsibilities associated with this commitment.

A positive working and learning environment which supports dignity at work is vital to the success of the Council. Dignity and respect should underpin our day to day behaviours, and everyone has rights and responsibilities under this policy. All Council employees and Members have a right to:

• Be treated with dignity and respect.

• Work and learn in an environment free from discrimination, bullying and harassment.

• Be valued for their skills, abilities and contribution.

• All employees and Members of the Council have a responsibility to:

• Behave in an appropriate manner, and in ways that are not derogatory to others.

• Play their part in ensuring we create a positive working environment that is tolerant and supportive through treating each other with dignity and respect.

• Tactfully challenge inappropriate behaviour with confidence.

• Adherence to this policy is essential so that these rights and responsibilities are mainstreamed into the core of Council business.

• The following are features of a respectful working environment:

• All employees and Members are respected and treated politely and with courtesy.

• Actively seeking employees and Members views where appropriate in order to contribute to the development and / or improvement of Services.

• A collaborative atmosphere and systems / forums which help to promote ongoing participation of staff in all levels of service business.

• An ethos of ‘distributed’, or shared leadership which enables people to feel safe to:

• Take on roles and responsibilities.

• Develop their skills.

• Support colleagues.

• Take forward initiatives.

• Positive outcomes from the above features would be that employees and Members:

• Can actively contribute and see that their efforts make a difference.

• Feel a sense of engagement; people are motivated and they have a sense of belonging to and a pride in Glapwell Parish Council.

• Feel they are trusted to take responsibility to act independently within their remit.

• There is a sense of having a meaningful role within the organisation.

**Bullying and Harassment**

In Support of our value to respect others, Glapwell Parish Council will not tolerate bullying or harassment by, or of, any of their employees, officials, Members, contractors, visitors to the Council, or members of the public from the community which we serve.

**Parish Council Commitment**

Glapwell Parish Council is committed to the elimination of any form of intimidation in the workplace. 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. (It should be read in conjunction with the Council’s \*Policies on Grievance and Disciplinary handling.) The Council will issue this Policy to all employees as part of their induction and to all Members as part of their Welcome Pack. The Council may also wish to share this Policy with contractors, visitors and members of the public.

**Legal Position**

Bullying

“Bullying may be characterised as a pattern of offensive, intimidating malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.” As quoted by ACAS.

**Harassment**

ACAS states: "Harassment is unwanted conduct that violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment."

This Policy covers, but is not limited to, harassment on the grounds of:

• Sex

• Marriage & civil partnership

• Sexual orientation

• Race

• Colour

• Nationality

• Ethnic origin

• Religion

• Belief

• Disability

• Age

These definitions are derived from the ACAS guidance on the topic. Both bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others, damage to the Council’s

reputation and ultimately, an Employment Tribunal, or other court cases, and payment of unlimited compensation.

Examples of Unacceptable Behaviour

(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

**Examples of where Bullying and Harassment may occur:**

Face-to-face, in meetings, through written communication, including: e-mail and telephone, or through automatic supervision methods. It may occur on or off work premises, during work hours, or non-work time.

**Consequences of Bullying and Harassment**

Bullying and harassment are considered examples of Serious Misconduct which will be dealt with through the Disciplinary Procedure at "Gross Misconduct level" and may result in Summary Dismissal from the Council for employees, or through referral to the Standards Board of England as a contravention of the Member’s Code of Conduct which may result in penalties against the member. In extreme cases, harassment can constitute a criminal offence and the Council should take appropriate legal advice, sometimes available from the Council’s insurer, if such a matter arises.

**Duty of Care**

Glapwell Parish Council has a duty of care towards all their workers and liability under Common Law arising out of the Employment Rights Act 1996 (updated 2008 (ch24)) and the Health and Safety at Work Act 1974 (updated 2005 part 4 s27)).

Under the following laws bullying or harassment may be considered Unlawful Discrimination:

• Sex Discrimination Act 1975 (Amended 1986)

• Race Relations Act 1976 (Amended 2000) Now encompassed in Equality Act 2010

• Disability Discrimination Act 1995

• Employment Equality (Sexual Orientation) Regulations 2003

• Employment Equality (Religion or Belief) Regulations 2003

• Employment Equality (Sex Discrimination) 2005

• Employment Equality (Age) Regulations 2006

• Equality Act 2010 – which fundamentally replaces the anti-discrimination legislation.

In addition, 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. Furthermore, a harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal for sexual, racial, disability or age discrimination.

**Implementing the Policy – Process for Dealing with Complaints of Bullying and Harassment**

Glapwell Parish Council will adhere to the following Informal Approach.

Anyone, be it an employee, contractor, member or visitor, who feels he or she 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.

Glapwell Parish Council will adhere to the following Formal Approach;

For 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 line manager and/or with the Chair of the Parish Council, or another Councillor if more necessary. It may be appropriate for the complaint to be put in writing after the initial discussion with the line manager and/or with the Chair, as this will enable the formal Grievance Procedure to be invoked.

**For Others**

(i) Any other party to the council, other than an employee, who feels he or she is 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.

(ii) A member of the public who feels s/he has been bullied or harassed by any members or officers of the Council should use the Glapwell Parish Council Complaints Procedure.

**Grievance (Employees only)**

A meeting to discuss the complaint with the complainant will normally be arranged within five working days of a written complaint being received, and will be held under the provisions of Glapwell Parish Council’s Grievance Procedure. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held by an Officer as appointed by the Chair/Councillor who is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the complainant to demonstrate how the problem is to be resolved. It may be decided that mediation is required and If so, Glapwell Parish Council should contact NALC, an employer’s body or ACAS to this effect. The employee will have a right of appeal as established by the Employment Act 2002.

At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process, hence details of the full grievance will not be shared with the full Council without prior approval by the complainant. Glapwell Parish Council will commit not to victimise the complainant for raising the complaint once the appropriate grievance/disciplinary process has been concluded.

**Disciplinary Action**

Following a grievance hearing or investigation 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.

For an Employee found to have been bullying/harassing others, Glapwell Parish Council’s Disciplinary Procedure will be followed, under the Employment Act 2002 provisions and will be treated as Gross Misconduct.

For Members, whom Glapwell Parish Council reasonably believe have been bullying or harassing another person(s) whilst undertaking Council activities, the action taken must be reasonable and in some cases counselling or training in appropriate skill areas e.g.: interpersonal communication, assertiveness, Chair ship etc may be more appropriate than a penalty.

The range of Disciplinary Sanctions available to the Council, where a Member has been involved in bullying/harassment include:

• Admonishment and an undertaking not to repeat the process

• Removal of opportunities to further harass/bully

• Banning from committees of the Council and representation on any outside bodies

• A referral to the Standards Board (or equivalent) by the Council and/or the aggrieved victim

• There may also be a:

• Referral to the Police under the Protection from Harassment Act 1997, (in the most extreme cases)

(This list is not exhaustive.)

**False or Malicious Allegations**

Any false or malicious allegations of harassment or bullying, which damage the reputation of a fellow employee/Member, will not be tolerated and will be dealt with as Serious Misconduct under the Disciplinary Procedure and/or a referral to the Standards Board.

**Responsibilities**

All parties to Glapwell Parish Council have a responsibility to ensure that their conduct towards others does not harass or bully, 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.

**Service Delivery**

In exercising its functions and delivering services, Glapwell Parish Council undertakes to share its Policy with all Members and workers and request that each party signs to demonstrate acceptance of its terms. All new Members and employees will be provided with a copy of this Policy. A review of the Policy shall be undertaken each year (or as appropriate) and necessary amendments will be undertaken by the Clerk and reported to the full Council for approval.

The Council will undertake to ensure that its Members and workers are trained in the processes required by this Policy, as deemed appropriate.

This policy is cross-referenced to the following Parish Council’s adopted policies:

• Equality & Diversity

• Grievance & Disciplinary

Glapwell Parish Council acknowledges the following sources of information from which this policy has been drawn:

• ACAS Guidelines

• Society of Local Council Clerks - Model Equal Opportunities Policy (Oct 2010)

• National Association of Local Councils – Legal Topic Note 78: Equality Act 2010 (Jan 2013)

• Government Equalities Office - Equality Act 2010: Public Sector Equality Duty What do I need to know? A Quick Start Guide for Public Sector Organisations (June 2011)

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