



## **Bullying & Harassment Policy 26**

**Adoption Date: 16.09.2016**

**Review Date: As Required**

### **1.0 INTRODUCTION**

- 1.1 Cuckfield Parish Council considers bullying and harassment unacceptable and will take all necessary steps to eliminate such behaviour. The Council has a legal duty to ensure that you are not exposed to any unnecessary risks associated with this behaviour.

### **2.0 AIMS AND OBJECTIVES**

- 2.1 This procedure is designed to assist the Council and its employees to maintain the required standards of conduct, performance (where it is known that the skills and abilities are present in the employee but have not been demonstrated) and general discipline. Disciplinary rules and procedures are in place to ensure that fairness and consistency are followed in the treatment of individuals, and that relevant employment law is adhered to.

### **3.0 GUIDELINES**

- 3.1 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 intended to undermine, humiliate, denigrate or injure the recipient.
- 3.2 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.
- 3.3 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. It is good practice for employers to give examples of what is unacceptable behaviour in their organisation and this may include:
- Spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex disability, sexual orientation and religion or belief).

- Copying memos that are critical about someone to others who do not need to know.
- Ridiculing or demeaning someone. Picking on them or setting them up to fail.
- Exclusion or victimisation.
- Unfair treatment.
- Overbearing supervision or other misuse of power or position.
- Unwelcome sexual advances. Touching, standing too close, display of offensive materials.
- Making threats or comments about job security without foundation.
- Deliberately undermining a competent worker by overloading and constant criticism.
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

3.4 Bullying and harassment are not necessarily face to face, they may be by written communications, email, phone, social media and autocratic supervision methods, such as computer recording of downtime from work, or recording of telephone conversations, if these actions are without reason and are not universally applied to all employees.

3.5 Bullying and harassment can often be hard to recognise. It may not be obvious to others, and may be insidious. The recipient may think “perhaps this is normal behaviour in this organisation”. They may be anxious that others will consider them weak, or not up to the job, if they find the actions of others intimidating. They may be accused of ‘overreacting’, and worry that they won’t be believed if they do report incidents.

3.6 People being bullied or harassed may sometimes appear to overreact to something that seems relatively trivial but which may be the “last straw” following a series of incidents. There is often fear of retribution if they do make a complaint. Colleagues may be reluctant to come forward as witnesses, as they too may fear the consequences for themselves. They may be so relieved not to be the subject of the bullying themselves that they collude with the bully as a way of avoiding attention.

#### **4.0 EXTERNAL BULLYING**

4.1 Employees may experience bullying and harassment by members of the public. This behaviour can be either:

##### **Verbal**

- Via the telephone.
- Face to face with the members of the public.
- Written correspondence, letters etc.
- Email or cyberstalking.

or

##### **Physical**

- Assaults or violence or the threat of assault or violence.
- Damage to your property (e.g. car).
- Inappropriate sexual behaviour.

The above list is not exhaustive.

4.2. In the first instance incidents must be reported to the Clerk and comprehensive notes should be made. This should include:

- Date.
- Time.
- Content, and
- If possible the person's name and the name of any witnesses to the incident.
- Where the bullying is done by email, do not respond to the emails and keep the emails as evidence.

4.3 The Clerk should determine if the incident(s) are severe enough to report to the Police. In the case of physical assaults or violence, all incidents must be reported to the Police and will also be reported to the Chairman of the Council.

## **5.0 SANCTIONS**

5.1 Where it is proven beyond all reasonable doubt that a member of the public has bullied a member of staff, the Clerk will reserve the right to impose sanctions against that person or persons, including:

- Blocking their email address and not accepting further emails.
- Reporting the incidents to the senders Internet Provider or Social Media Service Provider.
- Banning the person or persons from some or all Council owned buildings or facilities.

## **6.0 INTERNAL BULLYING**

6.1 In cases where it is identified that bullying and harassment is being perpetrated by staff or Councillors, the following understandings and procedures will be put in place to deal with complaints:

- In common with other inter-personal conflicts, such as sexual, disability or racial harassment, dealing with complaints of bullying requires confidentiality, sensitivity and speed.
- Standard grievance procedures are generally not suitable for this type of complaint. They may not provide for a complaint to be made over the heads of a supervisor or line manager, which creates a problem in cases where it is that person who is the alleged bully. Furthermore, standard procedures may be lengthy, leaving the complainant vulnerable to further bullying or harassment. It is also helpful in such cases to have a two-stage procedure, informal and formal.
- The procedures should not be dependent on whether or not the bullied/harassed person has taken personal action to ask the bully/harasser to stop. Bullying or harassment is by its very nature something which happens over a prolonged period and the longer it goes on, the more difficult it is to take personal action to confront the bully.

## **7.0. INFORMAL PROCEDURE**

- 7.1. Where the bullied person feels unable to confront the bully or where a direct approach has been unsuccessful in stopping the bully's unacceptable behaviour, the bullied person should be able to approach another member of staff, in confidence, to seek help in resolving the problem.
- 7.2 The informal procedure can be a useful way of resolving complaints quickly and with confidentiality maintained. The problem can often be resolved at this stage if it is made clear to the bully:
- That their bullying or harassment behaviour is contrary to the Council's policy.
  - What the impact of their behaviour is on others.
  - What the consequences will be if the bullying or harassment does not stop.
  - That they must stop their bullying/harassing behaviour.
  - That the situation will be monitored.
  - That the discussion is informal and confidential at this stage.

## **8.0. FORMAL PROCEDURE**

- 8.1. If the bullied/harassed person wishes to make a formal written grievance, either straightaway or because the informal procedure has failed to resolve the problem, they should be referred to the Council's Grievance Policies.
- 8.2. The grievance procedure will allow the person to bypass their supervisor or line manager where these staff are the subject of the complaint, and to complain directly to a higher level.
- 8.3 In the case of alleged bullying by one or more Councillors, the range of sanctions available are limited and may include counselling or training in appropriate skill areas rather than a penalty. Sanctions may include admonishment, issuing an apology, giving an undertaking not to repeat the behaviour, removal of opportunities to further harass/bully such as removal from a committee(s) or outside bodies where direct contact with the employee or decision-making about that employee will take place. A referral under the Code of Conduct to the Standards Committee may also be an appropriate step
- 8.4 A referral to the Police under the Protection from Harassment Act 1997 may also be appropriate in the more extreme cases.

The above list is not exhaustive.

- 8.5 False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee or Councillor will not be tolerated and will be dealt with as gross misconduct under the Council's Disciplinary Procedure or by a referral to the Standards Committee as appropriate

**9.0 CONFIDENTIALITY**

- 9.1 It is essential that confidentiality is guaranteed and those likely to be involved in implementing procedures understand that breach of confidentiality may itself be a disciplinary offence.