



# Stratfield Mortimer Parish Council

## Dignity at Work Policy

Adopted by the Finance and General Purposes Committee of Stratfield Mortimer Parish Council on 5 September 2023.

Note: This Policy should be used in conjunction with the Council's Disciplinary and Grievance Policies and the Councillors' Code of Conduct.

### Introduction

#### 1 Statement

In support of our value to respect others Stratfield Mortimer Parish Council will not tolerate bullying or harassment by, or of, any of their Officers (employees), Councillors, contractors, volunteers, visitors to the Council, or members of the public from the community which we serve. The 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 its business and outlines the specific procedures available to all Officers to protect them from bullying and harassment. It should be read in conjunction with the Council's Disciplinary and Grievance Policies. The Council will make this Policy available to all Officers as part of their induction and to all Councillors as part of their Welcome Pack. The Council may also wish to share this Policy with contractors, volunteers, visitors, and members of the public.

#### 2 Bullying and Harassment

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.

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, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability, or age.

These definitions are derived from the ACAS guidance on the topic and the Council adopts these definitions. 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/turnover, sickness absence, lack of respect for others, damage to the Council's reputation and, ultimately, an Employment Tribunal or other court case and

payment of unlimited compensation.

### 3 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.

Bullying and harassment may occur face-to-face, in meetings, through written communication, including email, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

### 4 Penalties

Bullying and harassment are considered examples of gross misconduct which will be dealt with through the Disciplinary Policy and its procedures, and may result in summary dismissal from the Council for Officers or through referral to West Berkshire Council's Monitoring Officer and/or Governance Committee in respect of an alleged contravention of the Councillors' Code of Conduct (which may result in penalties against the Councillor concerned). 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.

### 5 The Legal Position

Councils have a duty of care towards all their workers, and liability under common law and arising out of the Employment Rights Act 1996, Equality Act 2010 and the Health and Safety at Work Act 1974. 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. In addition, a harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal for any reason related to a protected characteristic.

## Process for dealing with complaints of bullying and harassment

### 6 Informal approach

Anyone; Officer, contractor, Councillor, volunteer, or visitor, 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 that their conduct is unacceptable, offensive, or causing discomfort.

### 7 Formal approach

**Officers:** Where an Officer feels unable to resolve the matter informally, any complaint about harassment or bullying can be raised confidentially and informally, initially with the Council Chairman, or the Chairman of the Personnel Sub-Committee, or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after such an initial discussion, as this will enable the formal Grievance Process

to be invoked.

Others: Any other party to the Council, other than an Officer 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 Councillor has been unsuccessful at eliminating the problem or where a Councillor 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 they have been bullied or harassed by any Councillors or officers of a Council should use the Council's official Complaints Process.

## 8 Disciplinary Action

Following any investigation or hearing conducted in accordance with the Grievance or Disciplinary Policies with regard to 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 Officer found to have been bullying/harassing others this will follow the Council's Disciplinary procedures, under the Employment Act 2002 provisions and would normally be treated as Gross Misconduct.

For Councillors who the Council reasonably believe have been bullying or harassing (an)other person(s) whilst undertaking Council activities the action taken must be reasonable and in some cases counselling or training in appropriate skill areas (for example interpersonal communication, assertiveness, chairmanship), may be more appropriate than a penalty. The range of disciplinary sanctions available to the Council, where a Councillor 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, and a referral to the West Berkshire Council's Monitoring Officer and/or Governance Committee 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 of harassment or bullying which damage the reputation of a fellow Officer/Councillor will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure and/or a referral as above.

## 9 Responsibilities

All parties to the 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, anyone can challenge the perpetrator and ask them to stop.

The Council will undertake to ensure that its Councillors and Officers are trained in the

processes required by this Policy as deemed appropriate.

### Useful contacts

ACAS [www.acas.org.uk](http://www.acas.org.uk) Tel: 0845 7 47 47 47

Standards Board for England [www.standardsboard.co.uk](http://www.standardsboard.co.uk) or Tel: 0845 078 8181

Local Government Ombudsman for Wales [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk) Tel: 01656 641 150

Andrea Adams Trust, a charity committed to tackling workplace bullying in the UK  
[www.andreadamstrust.org](http://www.andreadamstrust.org) or Tel: 01273 704 900

SLCC [www.slcc.co.uk](http://www.slcc.co.uk) Advisory Note 24

### Document control

Version	Date	Editor	Changes	Approved	
				On	By
0.1	29/06/23	H Geary	Review, reformatted and minor amendments		
0.2	29/08/23	G Bridgman	Further formatting and amendments		
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