



MALVERN TOWN COUNCIL

ANTI-HARASSMENT AND BULLYING POLICY (EMPLOYEES)

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1. Introduction

- 1.1. All employees should be able to work in an environment free from bullying, harassment, discrimination, and victimisation and be treated with dignity and respect regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture religion or belief, age, or disability.
- 1.2. Harassment and bullying can lead to illness, absenteeism, an apparent lack of commitment, poor performance and resignations. While implementing and upholding the policy, it is the duty of all councillors and employees to take full responsibility for ensuring that harassment does not occur at the Town Council.
- 1.3. This policy provides guidance on what to do if you are concerned about bullying or harassment and what to expect if you raise concerns. It applies to all employees (whether permanent, fixed term, or casual), volunteers, contractors and agency staff.

2. Policy

- 2.1. Malvern Town Council (known hereafter as the Council) does not tolerate bullying or harassment in the workplace. This is the case for work-related events that take place within or outside of normal working hours; on council property or elsewhere, whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not. Complaints of bullying, harassment, discrimination, or victimisation will be taken very seriously.
- 2.2. The Council does not tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal. You should also be aware that if a court or tribunal finds that you have bullied or harassed someone, in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.
- 2.3. The Council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public or suppliers.

3. What type of treatment amounts to Bullying?

- 3.1. ACAS states that although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either offensive, intimidating, malicious

or insulting and / or an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

3.2. Bullying might be a regular pattern of behaviour or a one-off incident. It might happen face to face, on social media, in emails or calls. It might happen at work or in other work-related situations. It may not always be obvious or noticed by others.

3.3. Examples of bullying at work could include:

- Spreading malicious rumours about someone
- Consistently putting someone down in meetings
- Deliberately giving someone a heavier workload than everyone else
- Excluding someone from team social events
- Someone consistently undermining their manager's authority
- Putting humiliating, offensive or threatening comments or photos on social media

Bullying does not include appropriate criticism of an employee's behaviour or proper performance management.

4. What type of treatment amounts to Harassment?

4.1. Harassment at work is unlawful under the Equality Act 2010.

4.2. ACAS states that by law, harassment is when bullying or unwanted behaviour is related to any of the following (known as 'protected characteristics' under the Equality Act 2010):

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual Orientation

4.3. As with bullying, the person being harassed might feel disrespected, frightened, humiliated, insulted, intimidated, threatened and/or undermined.

4.4. The unwanted behaviour must have either:

- Violated the person's dignity, whether it was intended or not
- Created an intimidating, hostile, degrading, humiliating or offensive environment for the person, whether it was intended or not.

5. What is discrimination?

5.1. ACAS states that by law, discrimination is when someone is treated unfairly because of any of the following:

- Age
- Disability
- Gender Reassignment
- Marriage or civil partnership
- Pregnancy and maternity
- Race
- Religion of belief
- Sex
- Sexual Orientation

5.2. These are known as 'protected characteristics'. It is against the law to treat someone unfairly because of any of them except in very rare circumstances.

6. What is victimisation?

6.1. ACAS states that Victimisation is when someone is treated unfairly because they made or supported a complaint to do with a 'protected characteristic', or someone thinks they did or might do.

6.2. It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All employees must, therefore, treat their colleagues with respect and appropriate sensitivity.

7. Reporting concerns

What you should do if you witness an incident you believe to harassment or bullying

- 7.1. If you witness such behaviour, you should report the incident in confidence to the Town Clerk or the Mayor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so. If any incidents relate to the Town Clerk and/or to the Mayor, you may report the incident to a councillor who is the chairman of a Council committee.

What you should do if you feel you are being Bullied or Harassed by a member of the public or supplier (as opposed to a colleague)

- 7.2. If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with the Town Clerk or the Mayor in the first instance. They will then decide how best to deal with the situation, in consultation with you.

What you should do if you feel you are being Bullied or Harassed by a councillor

- 7.3. If you are being bullied or harassed by a councillor, please raise this with the Town Clerk or the Mayor in the first instance. They will then decide how best to deal with the situation, in consultation with you. If any incidents relate to the Mayor, you may report the incident to the Deputy Mayor instead. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of Code of Conduct breaches will be investigated by the Monitoring Officer.

What you should do if you are being Bullied or Harassed by another member of staff

- 7.4. If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

8. Informal resolution

- 8.1. If you are being bullied or harassed you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to our policy and must stop. Alternatively, you may wish to ask a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).
- 8.2. If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own manager, you should raise the issue with the Town Clerk or Mayor. If any incidents relate to the Town Clerk, you may report the incident to the Deputy Town Clerk instead.
- 8.3. They will discuss with you the option of trying to resolve the situation informally by:
- Telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a member of staff;

- That such behaviour is contrary to our policy
- That for employees, the continuation of such behaviour could amount to a serious disciplinary offence.

8.4. It may be possible to have the conversation with the alleged perpetrator without revealing your name, if this is what you want. They will also stress that the conversation is confidential. In certain circumstances we may be able to involve a neutral third party to facilitate a resolution of the problem. If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as a serious allegation of harassment or in cases where a problem has happened before) the council may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

9. Raising a formal complaint

9.1. If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about the harassment or bullying to the Town Clerk or the Mayor. If any incidents relate to the Town Clerk and/or to the Mayor, you may report the incident to a councillor who is the chairman of a Council committee. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

9.2. Someone will then be appointed to investigate your complaint. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred
- The names of any witnesses and
- Any action taken by you to resolve the matter informally

Against a colleague or contractor

9.3. The alleged perpetrator(s) would need to be told your name and the details of your complaint for the issue to be investigated properly. However, the Council will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, the Council will consider whether it is appropriate to separate you whilst the matter is being investigated.

Against a member of the public or supplier

- 9.4. The Council will investigate the complaint as far as possible by contacting the member of public or the supplier's employer and asking for a response to the allegations.

Against a councillor

- 9.5. Formal concerns regarding potential breaches of Code of Conduct breaches will be investigated by the Monitoring Officer.

10. During the investigation

- 10.1. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. If, after an investigation, we decide that an employee has harassed or bullied another employee, then the employee may be subject to disciplinary action, up to and including dismissal.
- 10.2. The Council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to better understand your complaint. Whilst there is no Statutory right to be accompanied at investigation meetings, the Investigator will consider your request if you want to have a work colleague or union representative with you at that meeting.

11. Hearing

- 11.1. After the investigation, a panel will meet with you in a Grievance Hearing (following the Grievance Procedure) to consider the complaint and the findings of the investigation. At the meeting you may be accompanied by a fellow worker or a trade union official. After the meeting the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the Grievance Procedure.

12. Victimisation

- 12.1. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

13. False allegations

- 13.1. False accusations of harassment or bullying can have a serious effect on innocent individuals. Employees and others have a responsibility not to make false allegations. False allegations made in bad faith will be dealt with under our disciplinary procedure.

14. Disclosure and confidentiality

- 14.1. The Council will treat personal data collected during this process in accordance with the data protection policy. Information about how data is used and the basis for processing data is provided in the employee privacy notice.

15. Use of the disciplinary procedure

- 15.1. Harassment and bullying constitute serious misconduct. If, at any stage from the point at which a complaint is raised, the Council believe there is a case to answer and a disciplinary offence might have been committed, the disciplinary procedure will be instigated. Any employee found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary dismissal.

16. Monitoring

- 16.1. Where harassment or bullying has been found to have occurred and the perpetrator remains in employment or a member of the council, regular checks will be made to ensure that harassment has stopped and that there has been no victimisation or retaliation against the victim. The Council will also ensure that the perpetrator who committed the act of bullying or harassment is not victimised in any way.

17. Review and action

- 17.1. The Council recognises that it is important to review this policy regularly to ensure that it reflects up to date legislation and best practice.
- 17.2. A review of the Anti-harassment and Bullying Policy will be carried out at least once every council term as a minimum and any necessary actions taken.