



Steypning Town Council

Dignity at Work / Bullying and Harassment Policy

Purpose and Scope

1.1 Statement:

1. In support of our value to respect others, Steypning Town Council will not tolerate bullying or harassment by, or of, any of its employees, councillors, contractors, visitors to the council or members of the public from the community which we serve.
2. The Council is committed to the elimination of any form of intimidation in the workplace.
3. 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 and councillors in order to protect them from bullying and harassment and create a working environment where they have the confidence to raise a complaint.
4. It should be read in conjunction with the Council's policies on Grievance and Disciplinary handling, the Councillors' Code of Conduct and the Council's Social Media Policies.
5. The Council will issue this policy to all employees as part of their induction and to all councillors as part of their Welcome Pack. The Council may share this policy with contractors, visitors and members of the public.

1.2 Definitions:

6. Bullying "Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of the 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."
7. Harassment is "unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment." This usually 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.
8. Bullying and Harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents.
9. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, staff or councillor turnover, damage to the council's reputation and ultimately, legal proceedings against the council and payment of legal fees and potentially unlimited compensation.

1.3 Examples of unacceptable behaviour are as follows:

10. Spreading untrue or inflammatory claims, 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, making threats of physical violence against a person or their family, deliberately undermining a competent worker by overloading work and/or constant criticism, blaming a person for others' mistakes, preventing an individual's promotion or training opportunities.
11. Bullying and harassment may occur face-to-face, in meetings, through written communication, including electronic communication such as e-mail or on social media, by telephone or through automatic supervision methods. It can be verbal, non-verbal or physical in nature. It may occur on or off work premises, during work hours or non-work time.

1.4 Penalties/Sanctions:

12. Bullying and harassment by any employed persons can be considered examples of gross misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the Council.
13. If a councillor is bullying or harassing employees, contractors, other councillors or others then a referral through the Standards process in place at the time reported as a contravention of the Member's Code of Conduct will be the appropriate measure if any formal action with a potential sanction is considered appropriate.
14. If an employee or a councillor is experiencing bullying or harassment from a third party the Council will act reasonably in upholding its duty of care towards its own employees and its duty to enforce this policy concerning councillors.
15. Harassment can constitute a criminal offence or give rise to a damages claim and the Council will take appropriate legal advice, often available from the Council's insurer, if such a matter arises.

1.5 The Legal position:

16. Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974.
17. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal.
18. Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the Council and the perpetrator(s) as individual named Respondents. Any individual bringing a claim does not have to have the specific characteristic themselves.

19. 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.
20. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination.
21. A 'course of conduct' needs to be established under the 1997 Act. This can include linking incidents which are separated by long time periods. Damages for personal injury and distress can be awarded.
22. While the Council does not have the same statutory duty of care towards its councillors it has resolved to apply the principles of this policy to councillors.

1.6 Process for dealing with complaints of Bullying and Harassment

Informal approach

23. Anyone; employee, councillor, contractor 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, or an intermediary, that their conduct is unacceptable, offensive or causing discomfort as it is possible that the person is not aware that their behaviour is unwelcome. This may be explained verbally, or in writing if this is more comfortable.
24. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

Formal approach

All complaints will be investigated with sensitivity, fairly and objectively in strict confidence in order to uphold the rights of the complainant and the alleged perpetrator. The outcome, and in particular any sanction, may not be kept confidential, however the views of a successful complainant will be given great weight before any information is disclosed.

- 25 **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 Staffing/Personnel committee, their line manager, or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked. The employee will be expected to provide evidence of the conduct about which he/she is complaining. If the employee is seeking any sanction against an individual councillor then this must be dealt with through the Members' Code of Conduct process administered by Horsham District Council HDC)
- 26 **Councillors:** Any councillor, who feels he or she is being bullied or harassed whether by another councillor, an employee or a member of the public should raise their complaint with the Council if an informal notification to the alleged perpetrator has been unsuccessful at eliminating the problem. The Council will give appropriate support and guidance to enable the complainant to refer the matter to HDC under the Code of Conduct process if it concerns a councillor and may use its disciplinary procedure in the case of an employee.

- 27 **A member of the public** who feels he/she has been bullied or harassed by any councillor or officer of the Council should use the Council's official Complaints Procedure if it concerns an employee, or the Code of Conduct procedure administered by HDC in the case of a councillor. A formal approach to the Clerk or to the Town Mayor, as appropriate, is encouraged first in the hope of achieving informal resolution.
- 28 **Grievance –Employees only.** A meeting to discuss the complaint with the aggrieved party will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the 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.
- 29 A full investigation of the complaint will be held by an officer, or other duly appointed person as appointed by the Finance and General Purposes Committee. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality.
- 30 The hearing panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the aggrieved employee to demonstrate how the problem is to be resolved. It may be decided that mediation or some other intervention is required, and the Council should contact NALC, an employer's body or ACAS to this effect, or the Council may offer counselling. The employee will have a right of appeal.
- 31 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 aggrieved party.
- 32 The Council commits not to victimize the aggrieved for raising the complaint once the appropriate dispute resolution process has been concluded however, if during the investigation a complaint is found to be vexatious, made with malicious intent and/or not made in good faith, then a grievance may be brought against that person in accordance with the Council's Grievance Procedure or under its employment disciplinary procedures.
- 33 **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.
- 34 **For an Employee** found to have been bullying/harassing others this will follow the Council's Disciplinary procedure under the ACAS Code of Practice and would normally be treated as Gross Misconduct.
- 35 **For Councillors** If informal resolution satisfactory to the other party cannot be achieved then any investigation and potential action must use the Code of Conduct procedure administered by HDC.
- 36 In some cases, counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, chairmanship etc. on a voluntary basis may be more appropriate than a referral under the Code of Conduct process for investigation and possible penalty. Resolution may include (but are not limited to) voluntarily accepting an admonishment, issuing an apology or giving an undertaking not to repeat the behaviour, surrendering opportunities to further harass/bully such as resignation from a committee(s) where direct contact with the complainant or other affected parties or decision-making about that complainant may take

place, or resigning from representation on any outside bodies where there may be contact with the complainant or other affected parties.

37 A referral under the Code of Conduct is usually the appropriate step.

38 A referral to the Police or civil action under the Protection from Harassment Act 1997 may also be appropriate in the more extreme cases.

39 **For members of the Public** The allegation will be dealt with under the **STC** Unacceptable Behaviour Policy

False or malicious allegations of harassment or bullying which damage the reputation of another employee/councillor will not be tolerated and will be dealt with as potentially serious misconduct

Last Reviewed by Working Practices Group

4 June 2020

Adopted by Full Council 18th May 2026