



## **DIGNITY AT WORK – BULLYING AND HARASSMENT STATEMENT** **(to be used in conjunction with the Council’s approved** **Grievance and Disciplinary Procedures)**

Adopted [05/09/19] – Finance & General Purposes – Minute 1302ii

### **1. Purpose and Scope**

**1.1. Statement:** In support of our value to respect others, Folkestone Town Council will not tolerate bullying or harassment by, or of, any of its officers, members, 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 statement reflects the spirit in which the Council intends to undertake its business and outlines the specific procedures available to all employees to protect them from bullying and harassment. It should be used in conjunction with the Council’s policies Equal Opportunities on grievance and disciplinary handling which are amended from time to time.

**1.2. Definitions:** 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 may be because of a single action or a series of multiple occasions over a period of time. This statement 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. 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, turnover, damage to the Council's reputation and ultimately, employment tribunal or other court cases and payment of unlimited compensation.

### **1.3. Examples of unacceptable behaviour are as follows:**

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 **and non-verbal communications**. It may occur on work premises or during work related events. This list is not exhaustive.

**1.4. Penalties:** 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 as a contravention of the Member's Code of Conduct, which may result in action or 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 insurers, if such a matter arises.

**1.5. The legal position:** The Council has a duty of care towards all its staff and liability under common law arising out of the Employment Rights Act 1996, the Equality Act 2010 and the Health and Safety at Work Act 1974.

**1.6. The Council's position on Bullying and Harassment:** The Council will not tolerate bullying or harassment in the workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. 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. We will take appropriate action if any of our employees or contractors are bullied or harassed by our stakeholders or suppliers. Allegations of bullying and harassment will



be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

## **2. Process for dealing with complaints of bullying and harassment**

**2.1. Informal approach:** Anyone; 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 unwarranted behaviour that their conduct is unacceptable, offensive or causing discomfort.

2.2. If your complaint is resolved informally, the alleged perpetrator(s) will not be subject to disciplinary sanctions. However, in exceptional circumstances (such as a serious allegation of sexual or racial 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.

### **2.3. Formal approach:**

**2.3.1. Staff:** Where an officer feels unable to resolve the matter informally any complaint about harassment of bullying can be raised confidentially and informally, initially with the Town Clerk, or if this is inappropriate, the Town Mayor using the Council's Grievance procedure. It will be appropriate for the complaint to be put in writing after the initial discussion with the Town Clerk/Mayor, as this will enable the formal grievance procedure to be invoked.

**2.3.2. Councillors/Contractors/Consultants:** Any other party to the Council, other than a member of staff who feels he or she is being bullied or harassed should raise their complaint with the Town Clerk, where possible, or the Monitoring Officer at Folkestone & Hythe District Council, if an information notification to the Town Clerk/Mayor 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. 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 Council's official code of conduct or complaints procedures.

- 2.4. **Grievance – Staff only:** A meeting to discuss the complaint with the complainant will normally be arranged once a written complaint has been received and will be held under the provisions of the Council's grievance procedure.
- 2.5. The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible.
- 2.6. When carrying out any investigations, the Council will ensure that individuals' personal data is handled in accordance with the data protection policy.
- 2.7. **Disciplinary action:** In the event of any disciplinary action being required following investigation into allegations of bullying or harassment a full report will be made by the Grievance Panel or Personnel Sub-Committee.

For an employee found to have been bullying/harassing others this will follow the Council's Disciplinary Procedure and would normally be treated as gross misconduct.

For Councillors, who the 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, chairmanship 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 to further harass/bully, banning from committees of the Council and representation on any outside bodies, or if appropriate invoking Councils adopted Code of Conduct procedure and/or referral to the aggrieved victim. There may also be a referral to the police under the Protection from Harassment Act 2010, in the most extreme cases.



**2.8.** False or malicious allegation of harassment or bullying which damage the reputation of a fellow employee/member will not be tolerated and will be dealt with under the disciplinary procedure and/or a referral to the Standards Committee.

### **3. Responsibilities**

**3.1.** 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, then each individual can challenge the perpetrator and ask them to stop.