

Creech St Michael Parish Council

Policy Title	Antibullying and Harassment Policy
Applies to	All councillors, employees, volunteers, contractors.
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Author	Clerk and RFO
Review Cycle	Annually
Review Dates	

1.0 Introduction

- The relationship between Councillors and Officers, volunteers and contractors is an essential ingredient that should contribute to the successful working of the Parish Council. This relationship should be characterised by mutual respect, informality and trust. Councillors, Officers, volunteers and contractors must feel free to speak to one another openly and honestly. This policy is intended to strengthen and maintain this relationship.
- Objective criticism is usually acceptable but can be unacceptable if the criticism becomes personal or prolonged. This Policy provides a framework within which an employee or employees, volunteer, contractor or councillor can ensure that a concern or complaint is addressed and that the issues raised are treated seriously and are resolved in a timely and transparent manner.
- Everyone, regardless of their role within the Parish Council, should be treated with dignity and respect as they fulfil their responsibilities. Bullying and harassment of any kind are in no-one's interest and must not be tolerated.

2.0 Other Policies

This policy should be read in conjunction with the following Parish Council policies.

- Councillor Code of Conduct
- Standing Orders
- Disciplinary Policy and Procedure
- Grievance Policy and Procedure
- Civility and Respect Pledge
- Complaints Procedure

3.0 Bullying and Harassment Defined

- Examples and definitions of what may be considered bullying and harassment are provided below for guidance. For practical purposes, those making a complaint usually define what they mean by bullying or harassment – something has happened to them that is unwelcome, unwarranted and causes a detrimental effect. If an employee complains they are being bullied or harassed, then they have a grievance which must be dealt with regardless of whether their complaint accords with a standard definition.
- Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means to undermine, humiliate, denigrate or injure the recipient or recipients.
- Harassment, in general terms, is unwanted conduct affecting the dignity of an individual or group 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 or recipients.

- Bullying and harassment are not necessarily acts that occur face to face. They may be by written communications, e-mail, via social media platforms and by telephone using voice communication or messaging services.
- Legitimate, reasonable and constructive criticism of an employee's performance or behaviour, or reasonable instructions given to an employee in the course of their employment, will not amount to bullying on their own.

4.0 Duty of Care

- Parish Councils have a duty of care towards all their employees and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. 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.
- 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 Parish Council and the perpetrator(s) as individual named Respondents.
- 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. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination. The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes, for instance; employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the Act.

5.0 Raising A Concern

Employees

- Creech St Michael Parish Council has a clearly defined Grievance Policy and Procedure that provides a framework within which concerns relating to bullying and harassment can be addressed by employees.
- The grievance procedure outlined within the Grievance Policy and Procedure, provides a framework within which an employee or employees can raise a concern or complaint and be assured that the issues raised are treated seriously and are resolved in a timely and transparent manner.

- Wherever possible, the Parish Council will try to resolve concerns relating to bullying and harassment informally, without starting the formal procedure set out in the Grievance Policy and Procedure. It is expected that most issues can be addressed during the course of everyday working relationships and as an employer, the Parish Council, will strive to foster a working environment that facilitates open and honest professional exchanges between members of the Parish Council, its employees, volunteers and contractors.
- Should a resolution not be determined as a result of attempts to address the concern informally, stage two of the Grievance Policy and Procedure should be enacted without delay.

Volunteers and Contractors

- Volunteers and contractors can expect to work in an environment that is free from bullying and harassment. The Parish Council values the contribution that volunteers and contractors make to the ability of the Parish Council to meet the needs of the community.
- Creech St Michael parish Council is a signatory to the Civility and Respect Pledge and the Local Government Association Code of Conduct.
- Wherever possible, the Parish Council will try to resolve concerns relating to bullying and harassment informally, without starting a formal procedure. It is expected that most issues can be addressed during the course of everyday working relationships and the Parish Council will strive to foster a working environment that facilitates open and honest professional exchanges between members of the Parish Council, its employees, volunteers and contractors.
- Should a resolution not be determined as a result of attempts to address the concern informally, a formal complaint to the Parish Council should be made via the Parish Council's Complaints Policy and Procedure without delay.
- Should a resolution not be determined as a result of the complaint being considered by the Parish Council, the concern can be raised with the Local Monitoring officer at Somerset Council.

Councillors

- Councillors perform a critical role in the operation of the Parish Council and should expect to work in an environment that is free from bullying and harassment. The Parish Council values the contribution that councillors make to the ability of the Parish Council to meet the needs of the community.
- Creech St Michael Parish Council is a signatory to the Civility and Respect Pledge and the Local Government Association Code of Conduct.
- Wherever possible, the Parish Council will try to resolve concerns relating to bullying and harassment informally, without starting a formal procedure. It is expected that most issues can be addressed during the course of everyday working relationships and the

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- Should a resolution not be determined as a result of attempts to address the concern informally, the Chair of the Parish Council or Vice Chair will instigate a formal investigation into the concerns. The investigation should normally be completed within 10 days of the concern being raised. The Chair or Vice Chair will present their report to the Parish Council who will determine the next stage of the process.
 - (a) Where a concern relates to behaviour instigated by a councillor, the Parish Council will consider whether the concern should be reported to the Local Monitoring Officer.
 - (b) Where a concern relates to behaviour instigated by an employee, the Parish Council will consider whether the concern should be reported under the Parish Council's Disciplinary Policy and Procedure.