

## CLAXBY PARISH COUNCIL: DIGNITY AT WORK POLICY

**Claxby Parish Council believes that civility and respect are important in the working environment, and expects all councillors, officers and the public to be polite and courteous when working for, and with the council.**

Claxby Parish Council is committed to creating a working environment where the clerk, councillors, contractors and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying.

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues. This policy sets out how concerns will be managed. However, the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment;
- ensures that we respond sensitively and promptly; and,
- supports our clerk, councillors, and others with whom we come into contact, in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

### **Definitions:**

**Bullying** - "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** - "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.

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. Bullying and harassment can lead to lack of respect for others and damage to the Parish Council's reputation. As councillors, we need to prevent this happening.

### **Examples:**

Examples of unacceptable behaviour are as follows: (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, making threats of physical violence against a person or

their family, deliberately undermining a competent worker or member by overloading work and/or constant criticism, blaming a person for others' mistakes, preventing an individual's promotion or training opportunities.

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 may occur on or off work premises, during work hours or non-work time.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear. However, we should be aware that harassment will occur if behaviour continues after the recipient has said the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to protected characteristics ( such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due to their association with someone else (such as harassment related to their partner having a disability for example). See the council's Equality and Diversity Policy.

Everybody associated with Claxby Parish Council must, therefore, treat colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of someone's behaviour or effective, robust performance management. Constructive and fair feedback about behaviour or performance from councillors or colleagues is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

## **Reporting Concerns**

### **What you should do if you feel you are being bullied or harassed by a member of the public, volunteer or supplier working for the Parish Council**

If you feel you are being bullied or harassed by someone with whom you come into contact on a Parish Council matter, please raise this with the clerk or a councillor. Any such report will be taken seriously, and the Council will 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:** If you are being bullied or harassed by a councillor, please raise this with the clerk or the chair of the council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the LCC Monitoring Officer.

The council will consider reasonable measures to protect your health and safety.

**What you should do if you witness an incident you believe to be harassment or bullying:** If you witness such behaviour, you should report the incident in confidence to the clerk or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

#### **Procedure you should follow if you are being bullied or harassed**

##### a) Informal resolution

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 the council's policy and must stop. Alternatively, you may wish to ask the clerk, or a councillor, to put this on your behalf, or to be with you when confronting the perpetrator(s).

If this approach does not work or if you do not want to try to resolve the situation in this way, you should raise the issue with the chair of the council. (If your concern relates to the chair, you should raise it with another appropriate person). The chair of the council (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on the clerk or a councillor
- such behaviour is contrary to our policy
- for the clerk, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The chair of the council (or another appropriate person) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegations or in cases where a problem has happened before) the people handling the complaint may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. You will be consulted before this step is taken.

##### b) Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council's grievance procedure. You should raise your complaint to the clerk or the chair of the council.

The clerk or the chair of the council will appoint someone to investigate your complaint in line with the grievance policy. 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.

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, the council representatives will carry out the investigation as confidentially and sensitively as possible.

- c) Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will be investigated by the LCC Monitoring Officer.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

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 understand better your complaint (see the Grievance Policy for further information, and details of your right to be accompanied).

After the investigation, a panel of councillors will meet with you to consider the complaint and the findings of the investigation in accordance with the Grievance procedure. At the meeting you may be accompanied by a person of your choice.

Following the conclusion of the hearing 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.

### **The use of the Disciplinary Procedure**

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, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

This policy will be reviewed annually by the Finance and Staffing Committee

Date policy approved May 2024

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