



Granville Hawkes
Town Clerk

Fakenham Connect
Oak Street
Fakenham
Norfolk
NR21 9DY
Tel: 01328 853653
e-mail: info@fakenhamtowncouncil.gov.uk
website: fakenhamtowncouncil.gov.uk

DIGNITY AT WORK - BULLYING AND HARASSMENT POLICY

Purpose and Scope Statement:

Fakenham Town Council (FTC) is committed to providing an environment that ensures all staff, members, residents, contractors and third parties are treated, and treat others, with dignity and respect.

Bullying or harassment by, or of employees, officials, members, contractors, visitors or members of the public will not be tolerated.

This policy covers harassment or bullying that is connected in any way to the business of the Council wherever it occurs, e.g., in or out of the workplace, on business trips, at work-related events or social functions. It covers bullying and harassment by staff (which may include consultants, contractors, members and agency workers) and also by third parties such as residents, customers, suppliers or visitors to our premises.

This policy outlines the specific procedures available to all employees and members to protect them from bullying and harassment. It should be read in conjunction with the council's policies on Grievance and Disciplinary Procedures, and the Code of Conduct.

The Council will issue this policy to all employees as part of their induction and to all members as part of their Welcome Pack.

WHAT IS HARASSMENT?

(a) Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

(b) Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.

Harassment is unacceptable even if it does not fall within any of these categories.

(c) Harassment may include, for example:

- i) unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing.
- ii) continued suggestions for social activity after it has been made clear that such suggestions are unwelcome.
- iii) sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
- iv) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- v) racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender.
- vi) outing or threatening to out someone as gay or lesbian
- vii) offensive e-mails, text messages or social media content; or
- viii) mocking, mimicking or belittling a person's disability.

(d) A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

WHAT IS BULLYING?

(a) Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

(b) Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- i) physical or psychological threats.
- ii) overbearing and intimidating levels of supervision.
- iii) inappropriate derogatory remarks about someone's performance.

(c) Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

Penalties:

Bullying and harassment by any employed persons can be considered examples of serious misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and could result in summary dismissal from the council. If elected Members are bullying or harassing employees, contractors, fellow 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, would be an appropriate measure. If an employee is experiencing bullying or harassment from a third party the council should act in upholding its duty of care.

Dealing with complaints:

Informal approach:

An 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 unwanted behaviour, or an intermediary, that their conduct is unacceptable, offensive or causing discomfort.

Formal approach:

Where an employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Chair 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 encouraged to provide evidence of the conduct about which he or she is complaining.

Any party to the council other than an employee, who feels he or she is being bullied or harassed, should raise their complaint with the council. If an informal notification to a member has been unsuccessful at eliminating the problem, the complaint should then be investigated, and a meeting held to discuss the facts and recommend the way forward. A member of the public who feels he or she has been bullied or harassed by any members or officers of a council should use the council's official Complaints Procedure.

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.

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. 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 Members 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. The range of disciplinary sanctions available to the council, where a member has been involved in bullying/harassment are limited but might include admonishment, an undertaking not to repeat the process, limiting opportunities to further harass/bully or a referral under the Code of Conduct to the relevant reviewing body. False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/Member will be dealt with as serious misconduct under Disciplinary Procedures.

Responsibilities:

All parties to the council have a responsibility to ensure that their conduct towards others does not harass or bully. Ill tempered, biased or non-impartial behaviours are inappropriate. If unacceptable behaviour is witnessed, then action must be taken either by challenging each individual and ask them to stop or by referring the incident to the Clerk or Chairman. Effective management of performance will usually include feedback based on objective evidence, delivered by a committee specifically designated and often trained to manage and appraise staff, with dialogue occurring on a face-to-face basis in confidential surroundings. Bullying is more likely to be complained about when individual Members criticise staff,

without the mandate from the corporate body of the council, in environments open to the public, or by way of blogs, Facebook comments, in the pub or local playground.

CONFIDENTIALITY AND RECORD-KEEPING

Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure. Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. [These will be processed in accordance with FTC Data Protection Policy.

Ratified at Full Council: 23rd November 2022