



Anti-Bullying and Harassment Policy

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| Purpose | This policy sets out Stalham Town Council's (STC) commitment to creating a workplace environment which is free from hostility and any kind of bullying or harassment. The policy sets out the measure STC takes to achieve this and sets out the procedure an employee should follow in order to report an act of bullying or harassment. |
| Scope | <p>This policy applies to all Stalham Town Council employees. The principles of non-discrimination apply to dealings with people outside the workforce such as suppliers, contractor and visitors to Council premises.</p> <p>This policy applies to behaviours that occur in any of the following ways:</p> <ul style="list-style-type: none"> • In connection with work, even if it occurs outside normal working hours • During work activities, for example when dealing with members of the public • At work-related events • On social media <p>STC reserves the right to change or cancel the provisions of this policy, without notice and, in any event, the policy will be regularly reviewed to judge its effectiveness and will be updated in accordance with changes in legislation and regulation, as required. This document is non-contractual and does not form part of the terms and conditions of employment.</p> |
| Audience | All STC employees and Councillors should read and adhere to this policy. |
| Contact | If you have any questions or queries about this document and how it applies to you, please contact the Clerk or STC Employment Committee. |

Contents

| | | |
|-------|---|---|
| 1 | Introduction..... | 4 |
| 2 | Objectives..... | 4 |
| 3 | Overview..... | 4 |
| 4 | Anti-Bullying and Harassment Policy | 4 |
| 4.1 | STC commitment..... | 4 |
| 4.2 | Employee Commitment | 5 |
| 4.3 | Definitions | 5 |
| 4.3.1 | Harassment | 5 |
| 4.3.2 | Bullying..... | 6 |
| 5 | Reporting an Act of Harassment or Bullying..... | 6 |
| 5.1 | Harassment by Third Parties | 7 |
| 6 | Relevant Legislation | 7 |
| 7 | Related Documents | 7 |
| 8 | Appendix A – Investigation Process..... | 7 |
| 8.1 | Disclosure and confidentiality | 8 |

1 Introduction

This policy clearly sets out that any forms of bullying and harassment are unacceptable in any circumstance.

2 Objectives

All employees have the right to be treated fairly, with dignity and respect irrespective of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age or disability. These are referred to as “protected characteristics” and are protected under UK law.

This policy applies to all staff (whether permanent, fixed term, or casual), contractors and agency staff.

STC endeavour to create a workplace environment which is free from hostility and will not tolerate any kind of bullying or harassment.

This is the case for work-related events that take place within or outside of normal working hours; on Council property or elsewhere; whether the conduct is an isolated incident or a repeated course of conduct, and whether it is done deliberately or purposefully, or not.

We commit to embedding equality, diversity and inclusion in all employment policies, procedures and practices. We do not tolerate any form of direct or indirect discrimination or victimisation, as set out in our Equality, Diversity and Inclusion policy.

3 Overview

The Council does not tolerate bullying or harassment in the workplace. This applies to all work, including work-related events that take place outside of normal working hours; on Council property or elsewhere; whether the conduct is an isolated incident or a repeated course of conduct, and whether it is done deliberately or purposefully, or not.

STC does not tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal. You should also be aware that if a court or tribunal finds you have bullied or harassed someone, in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

The Council will take appropriate action if any of our employees are bullied or harassed by other employees, councillors, members of the public, contractors or suppliers.

4 Anti-Bullying and Harassment Policy

4.1 STC commitment

STC commit to:

- Provide support to any employee who is subjected to unlawful or unacceptable harassment or bullying in the course of their employment.
- Provide support to any employee who is subjected to victimisation or discrimination, as set out in the Equality, Diversity, and Inclusion policy.
- Ensure that all employees undertake regular training on how to identify, prevent and respond to workplace bullying and harassment.
- Act to prevent the harassment of our employees by their parties.
- Take any complaint seriously and investigate fully any formal complaint of harassment or bullying, as outlined in Appendix A, or any formal complaint or victimisation or discrimination as set out in the Equality, Diversity and Inclusion policy.
- Resolve any informal or formal complaint via the Grievance Policy. This includes, but

- is not limited to, appropriate use of mediation and counselling.
- Treat acts of harassment or bullying against employees as disciplinary offences which will be dealt with under the Disciplinary and Capability Policy.

We understand that being subjected to bullying and harassment in the course of employment is likely to be a highly stressful and upsetting experience and recognise this as a psychosocial hazard in the workplace as it could result in psychological or physical harm. We commit to providing full support to any employee who experiences such behaviour.

4.2 Employee Commitment

You must read, understand, and comply with the terms of this policy.

- You will behave in a reasonable and professional manner and assist us in meeting our commitment to provide dignity in employment.
- You will not violate the dignity, harass or bully customers using or seeking to use the facilities or services provided by STC.
- You must report as early as possible any forms of bullying or harassment in the workplace that you may experience or witness. Details of how to do this are set out in section 5.4.

4.3 Definitions

Bullying and/or harassment will not be tolerated under any circumstances.

4.3.1 Harassment

Harassment is unwanted conduct related to a protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that individual.

The intention behind the conduct is irrelevant, if conduct could reasonably be considered to have the effect described, it will be harassment. An alleged harasser might not always realise that their behaviour is found offensive, and it is important for everyone to recognize that what is acceptable to one colleague may not be acceptable to another or may not be acceptable behaviour on other occasions or from a different colleague. Harassment also includes treating someone less favourable because they have submitted or refused to submit to such behaviour in the past. The following is a non-exhaustive list of examples of harassment:

- Jokes, derogatory banter or stereotypical remarks about a particular group, and which could be considered racist, sexist, ageist, homophobic, transphobic or offensive to groups of particular national origin or descent.
- Suggestive or overly personal comments about appearance
- Unnecessary body contact
- Looking at, sharing or displaying sexually offensive material that may offend another on discriminatory grounds. Looking at these things on screen, mobile phone or in other ways can be harassment, even if the content is not circulated or displayed.
- Any unwelcome sexual attention
- Any insult or ridicule
- Any threatened or actual physical or sexual violence
- Use of email or other technology to harass
- Isolation or non-co-operation at work, including the deliberate exclusion from conversations at work.
- Demeaning a colleague in their own or others' eyes

- Intrusion by pestering, spying, following or similar.
- Suggesting that engaging in sexual conduct may further someone's career, or that refusal may damage it, or basing decision affecting a colleague's job on such factors.
- Intentionally misgendering someone by using the wrong pronouns to describe them
- Mimicking, mocking or belittling a person's disability.
- Threatening to out someone as a member of the LGBTQIA+ community

A person can complain of offensive behaviour even if it is not directed at them. For example, a person may be harassed by racist jokes about a different ethnic group if this creates an offensive working environment for them.

4.3.2 Bullying

Bullying is:

- Offensive
- Intimidating
- malicious or insulting behaviour
- An abuse of misuse of power through means that result in the recipient feeling undermined, humiliated, denigrated or injured

including any combination of one or more of these acts.

Workplace bullying occurs when:

- an individual or group of individuals, **repeatedly** act unreasonably towards an employee or group of employees at work; and
- the behaviour creates a **risk to health and safety**.

It should be acknowledged that behaviour that is considered as bullying or harassment by one person may be considered firm management by another.

Some examples of behaviour that may be considered bullying (although not an exhaustive list) are given below:

- inappropriate criticizing or deriding workers in front of colleagues
- setting someone up to fail
- excluding a colleague from groups or social events intending to cause distress
- misuse of power, such as overbearing supervision or assigning unrelated meaningless tasks
- making threats or comments about job security without foundation; and wrongly preventing individuals by intentionally blocking their career.

Reasonable management action conducted in a reasonable manner does not constitute workplace bullying. It is reasonable for managers to allocate work and to give feedback on work performance. These actions are not considered to be workplace bullying if they are carried out lawfully and in a reasonable manner.

5 Reporting an Act of Harassment or Bullying

You will not be penalised for raising a grievance, unless a complaint is found to be both untrue and made in bad faith.

If you believe you have been subject to harassment or bullying or you believe you have

witnessed someone else being subject to harassment or bullying, please follow the procedures detailed in the Council's Grievance Policy. In summary, there are two main options available to you to resolve the problem:

- a) An informal procedure where you raise the issue informally in open dialogue with your line manager, the Clerk, or the Employment Committee, or
- b) A formal procedure where you put your complaint in writing, clearly setting out the details of the allegation. STC will accept any form of written complaint (e.g., by letter email or text/app message).

5.1 Harassment by Third Parties

STC take our responsibility very seriously to take steps to ensure that employees are protected from harassment. If you believe you have ground to complain about the actions of a non-employee (e.g., a contractor, member of the public, supplier or visitor) then you should submit a complaint in writing to your Line Manager or to the Employment Committee. We will consider what action may be appropriate to protect you and anyone involved pending the outcome of an investigation, bearing in mind the needs of the Council and the rights of that person. We may contact the third party in the course of that investigation.

6 Relevant Legislation

Legislation: Equality Act 2010

Link: [ACAS Website](#)

7 Related Documents

- Grievance Policy
- Risk Management Policy
- Health and Safety Policy
- Equal Opportunities Policy
- Equality, Diversity and Inclusion Policy

8 Appendix A – Investigation Process

Investigations will be carried out in accordance with the following steps, although the process may vary from case to case, where appropriate:

- Upon receipt of a complaint or formal grievance, the Clerk and members of the Employment Committee will investigate the allegations, and take any interim actions, as appropriate. The investigation will include requesting and reviewing all relevant documents, including electronic communications, and interviews with all parties involved including any relevant witnesses. If necessary, this may be passed to our external HR advisers to take forward on STCs behalf.
- Depending on the nature of the complaint, and/or the roles of the individual(s) who are the subject of the complaint it may also be appropriate to raise concerns under the Whistleblowing Policy.
- In situations where there is concern over treatment of an individual by a Councillor, but the Whistleblowing Policy is not appropriate, individuals may raise concerns directly with the Chair of the Council.

- If it is deemed necessary to protect the Council and/or the individuals concerned, the individual who is the subject of the complaint may be suspended on full pay while the investigation is completed.
- The Employment Committee and/or Clerk will promptly notify the individual who reported the concerns that the investigation is complete and that appropriate action has been taken, where this is the case.
- The Employment Committee and/or Clerk will notify the individual(s) about whom the complaint was made of the outcome and implement any corrective actions identified in the written document.
- A full record of the investigation will be maintained by the Clerk/Employment Committee and saved in a secure and confidential location which can only be accessed by the Clerk and the Employment Committee. Anyone involved in the investigation process (Councillor/Clerk) will ensure that any locally saved copies of documents or information are deleted once the investigation is complete.

In all the above, if the complaint is in relation to the Clerk or a Councillor on the Employment Committee, the information will remain confidential from them unless required to be shared as part of the investigation or resolution.

The investigation record will contain the following:

- A list of all documents reviewed
- A list of names of those interviewed, along with a summary of their statements
- A summary or prior relevant incidents, reported or unreported; and
- The basis for the decision and outcome of the complaint, together with any corrective action(s)

The individual who raised the complaint will have the right of appeal against the outcome. Valid broad grounds for appeal are as follows:

- That there was a failure to follow policy and procedures, and this had a material effect on the outcome.
- That any necessary investigation was not carried out fully and properly
- That the evidence available did not support the conclusion reached
- That new evidence has genuinely come to light since the original investigation which will substantiate the grounds for appeal.

8.1 Disclosure and confidentiality

We will treat any personal data collected during any investigation in accordance with General Data Protection Regulation and the Council's Data Protection Policy.