



Connah's Quay Town Council

Title:	Bullying and Harassment Policy
Approved by:	Town Council.
Date:	30 January 2023
Version Number:	1.0
Status:	Agreed
Review Frequency:	Every 2 years
Next review date:	2025

1. Purpose and Scope.

- 1.1 In support of our value to respect others Connah's Quay Town Council considers the welfare of individuals as key. The Town Council is committed to the elimination of any form of potential harm in the workplace. The purpose of this policy is to provide a corporate policy framework for regarding dignity, bullying and harassment in the workplace

2. Definitions.

2.1 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."

2.2 Harassment is

"Unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This policy 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."

- 2.3 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, damage to the Town Council's reputation and ultimately, Employment Tribunal or other court cases and payment of unlimited compensation.

- 2.4 Examples of unacceptable behaviour are as follows; (this list is not exhaustive)

- 2.5 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 by overloading work and/or constant criticism, blaming a person for others' mistakes, preventing an individual's promotion or training opportunities.



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2.6 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.

3. The Legal position.

3.1 Town Councils have a duty of care towards all their workers 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 Town Council and the perpetrator(s) as individual named Respondents.

3.2 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

4. Penalties.

4.1 Bullying and harassment by any employed persons can be considered examples of gross misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the Town Council. If elected Members are bullying or harassing employees, contractors, fellow Town Councillors, others then a referral through the Standards process in place at the time reported as a contravention of the Member's Code of Conduct could be an appropriate measure. If an employee is experiencing bullying or harassment from a third party the Town Council will act reasonably in upholding its duty of care towards its own employees. In extreme cases harassment can constitute a criminal offence and the Town Council should take appropriate legal advice, often available from the Town Council's insurer, if such a matter arises.

5. Process for dealing with complaints of Bullying and Harassment

5.1 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



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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. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

5.2 Formal approach

Employees:

Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the disciplinary committee or another Town 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 expected to provide evidence of the conduct about which she/he is complaining.

5.3 Others:

Any other party to the Town Council, other than an employee who feels he or she is being bullied or harassed should raise their complaint with a Town Councillor, where possible, or the Monitoring Officer if an informal notification to a member 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 a Town Council should use the Town Council's official Complaints Procedure.

6. **Grievance – Employees only.**

6.1 A meeting to discuss the complaint with the complainant will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the Town Council's Grievance Procedure. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting.

6.2 A full investigation of the complaint will be held by an officer as appointed by the Chair/Town Councillor who is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the complainant to demonstrate how the problem is to be resolved. It may be decided that mediation is required and the Town Council should contact SLCC, an employer's body or ACAS to this effect or the Town Council may offer counselling. The employee will have a right of appeal as established by statute.

6.3 At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process hence details of the full grievance will not be shared with the full Town Council without prior approval by the complainant. The



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Town Council will commit not to victimize the complainant for raising the complaint once the appropriate grievance/disciplinary process has been concluded.

7. Disciplinary Action.

- 7.1 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.
- 7.2 For an Employee found to have been bullying/harassing others this will follow the Town Council's Disciplinary procedure, under the ACAS Code of Practice provisions and would normally be treated as Gross Misconduct.
- 7.3 For Members who the Town Council reasonably believe have been bullying or harassing another person(s) whilst undertaking Town Council activities the range of sanctions available to the Town Council, are limited and must be reasonable, proportionate and not intended to be punitive. In some cases, counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, chairmanship etc. may be more appropriate than a penalty. Sanctions may include; admonishment, issuing an apology or giving an undertaking not to repeat the behaviour, removal of opportunities to further harass/bully such as removal from a committee(s) where direct contact with the employee or decision-making about that employee will take place, or removing the right to representation on any outside bodies where there will be contact with the employee who has raised the complaint.
- 7.4 A referral under the Code of Conduct to the relevant reviewing body is usually an appropriate step and there may be further disciplinary sanctions available as a result of the Standards Committee (England) or Ombudsman (Wales) reviewing the evidence under the Code in place at the time. A referral to the Police under the Protection from Harassment Act 1997 may also be appropriate in the more extreme cases.
- 7.5 False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure and/or a referral to the Standards process.

8. Responsibilities.

- 8.1 All parties to the Town 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. There needs to be agreement about how "robust people management" and "bullying" differ; 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.



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- 8.2 Bullying is more likely to be complained about when individual Members criticise staff, often without objective evidence, without the mandate from the corporate body of the Town Council and in environments which are open to the public or other employees or by way of blogs, social media comments, or in the pub or local playground. The Town Council undertakes to share its policy with all members and workers and request that each party signs to demonstrate acceptance of its terms.
- 8.3 All new members and employees will be provided with a copy of this policy. A review of the policy shall be undertaken each year (or as appropriate) and necessary amendments will be undertaken by the Town Clerk and reported to the full Town Council for approval. The Town Council will undertake to ensure that its members and workers are trained in the processes required by this policy as deemed appropriate.