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DIGNITY AT WORK POLICY

[Diss Town Council] believes that civility and respect are important in the working environment, and expect all councillors, officers and the public to be polite and courteous when working for, and with the council and to comply with this policy

Clerk and CEO are inter-changeable titles, as are Deputy Clerk and COO.

1. Introduction

- 1.1 Diss Town Council is committed to creating a working environment where all council employees, councillors, volunteers 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.
- 1.2 Diss Town Council has signed up to the Civility Pledge, as a commitment to civility and respect in our work, this incorporates politeness and courtesy in behaviour, speech, and in the written word.
- 1.3 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 employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

2. Scope

- 2.1 This policy covers bullying and harassment of and by clerks, officers and all employees engaged to work at Diss Town Council. Should staff, volunteers or contractors have a complaint connected to their engagement with the Council this should be raised to their line manager in the first instance. If they feel that they are not able to make a complaint to the line manager or the complaint is about the Clerk the complaint should be raised to the Chair of the Executive Committee.
- 2.2 Complaints about other employment matters will be managed under the council's grievance policy.
- 2.3 It is noted that the management of a situation may differ depending on who the allegations relate to (e.g., employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

3. The position on bullying and intimidation and harassment

- 3.1 All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. Diss Town Council will not tolerate bullying, intimidation or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not.

- 3.2 Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g., physical violence, harassment), in some circumstances the treatment may amount to civil offence and a criminal offence.
- 3.3 We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, civility and respect pledge, and all other policies and procedures set by the Council.
- 3.4 Allegations of bullying and harassment will be treated seriously. Such behaviour constitutes discrimination and is unlawful. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.
- 3.5 False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. In the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.

Harassment

- Where a person is subject to uninvited and unwanted conduct that violates their dignity, in connection with a protected characteristic
- It can be an isolated incident, or it can take the form of repeated behaviour against a person
- Behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic

Bullying

- Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.
- Bullying is generally behaviour that is identified as misuse of power. Bullying is primarily intimidating in nature, but may also be insulting, offensive or malicious. It is frequently recognised through the abuse or misuse of power through means intended to undermine, humiliate, denigrate or create a detriment for the employee.

4. What Type of Treatment amounts to Bullying or Harassment?

- 4.1 'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that

person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person. It is indicative of a lack of respect for the person harassed, undermines the employee's position and may have a negative impact upon health, job performance and sense of personal welfare and security.

4.2 Examples of bullying and harassment include:

- Physical conduct ranging from the invasion of personal space, unwelcome touching to serious assault
- Comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies, repeated remarks in reference to personal traits or appearance.
- Physical abuse such as hitting, pushing or open aggression ie threats/shouting
- Deliberately blocking leave without a valid reason
- preventing individuals progressing by deliberately blocking promotion or training applications without a valid reason.
- Unfair allocation of work and responsibilities
- behaviour which makes direct or indirect reference to disability or impairment, and which causes discomfort, patronises, insults or offends people with a physical, sensory or mental disability
- Deliberately setting objectives with unreasonable deadlines or changing objectives unfairly
- Unfair treatment
- Abusing a position of power

4.3 Bullying and harassment can occur through verbal and face to face interactions but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

4.4 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, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

4.5 Harassment can also occur where the unwanted behaviour relates to a perceived characteristic (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.

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

5. Victimisation

- 5.1 Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.
- 5.2 Provided that you act in good faith, i.e., you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.
- 5.3 Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

6. Reporting Concerns

6.1 What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your line manager in the first instance or, with the clerk/or Chair of the Executive Committee. Any such report will be taken seriously. The Town Clerk or Chair of Executive will take whatever action is deemed necessary following a thorough investigation (taking no more than two weeks) including reporting the matter to the police if considered appropriate, referring it to Council or writing to the member of the public. If necessary, advice will be sought from an external body before appropriate action is taken.

6.3 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/Council Leader or the Chair of the Executive Committee 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 Monitoring Officer and not the Town Council.

The council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

6.4 What you should do if you witness an incident you believe harassment or bullying:

If you witness such behaviour you should report the incident in confidence to your line manager/ the clerk or the Chair of the Executive Committee. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

6.5 What you should do if you are being bullied or harassed by another member of staff:

If the employee considers that they may have been subjected to conduct amounting to a criminal offence (such as sexual assault), the Town Clerk (or if the employee's issue is with the Town Clerk, the Executive Chair) will arrange for the employee to be assisted to make a formal complaint to the police or to provide the employee with any other assistance that they may require. Compassionate leave may be granted at the discretion of the Council.

It is helpful to make a note of the time, place and nature of any specific incidents and attempt to discuss them. This will provide useful information in following these procedures.

If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below:

7. Informal Resolution

7.1 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, your line manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

7.2 If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own line manager, you should raise the issue with the clerk or chair of the Executive Committee. (If your concern relates to the clerk, you should raise it with the chair of the Executive Committee/Council Leader).

7.3 The chair (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 a member of the council staff
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

7.4 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.

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

7.6 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 allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

8. Raising a formal complaint

8.1 If informal resolution is unsuccessful or inappropriate and at any time, whether or not informal steps have been taken, an employee who feels that they or others have been bullied or harassed in a way that breaches this policy can raise the matter with the Clerk (or if the employee's issue is with the Clerk, the Chair of Executive), either verbally or in writing. The Clerk/Chair of Executive shall form a Grievance & Harassment Panel from members of the Executive who will have no prior knowledge of the case. If the matter relates to a staff member and if the matter is serious enough, that staff member may be suspended on full pay pending the outcome of the investigation. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

8.2 The clerk/Chair of Executive will investigate your case as soon as possible, to establish whether there is a need to take disciplinary action. The Clerk/Chair of Executive will inform the person(s) against whom the allegation is made of the nature of the details and that the matter is being investigated formally. Investigations will be carried out with sensitivity and with due respect for the rights of both parties..

8.3 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.

8.4 The alleged perpetrator(s) would normally need to be told your name and the details of your case in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

8.5 Where your case relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.

8.6 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.

8.7 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 case (see the grievance policy for further information, and details of your right to be accompanied).

- 8.8 Wherever possible investigations will be completed within two weeks of the complaint being made. However, where there are good reasons, e.g., the need for further investigation or the lack of availability of witnesses or companions, each party can request that the other agrees to an extension of the permitted timescale.
- 8.9 The importance of confidentiality will be stressed to all those interviewed, and everyone will be strictly required not to discuss the case with colleagues or friends. Breach of confidentiality may give rise to disciplinary action. The Council also reserves the right to seek assistance from external facilitators at any stage, in the interest of seeking a satisfactory outcome for all concerned.
- 8.10 After the investigation, a panel 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 fellow worker or a trade union official.
- 8.11 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 within five working days, 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.

9. **The use of the Disciplinary Procedure**

- 9.1 If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate via our disciplinary policy. We will keep you informed of the outcome.

This is a non-contractual policy and procedure which will be reviewed from time to time.
