



GORING-ON-THAMES PARISH COUNCIL

Dignity at Work Policy

1. Introduction

The Council is committed to the elimination of any form of intimidation in the workplace whether by employees or by members of the Council or by a Third Party where 'Third party' means someone that employees or Councillors interact with as part of their role but who are not employed by the Council for example service users, contractors, members of the public and anyone else we are connected to or do business with.

Bullying, harassment or abusive or threatening behaviour can have a severe impact on employees and can lead to feelings of anxiety or fear both in and out of the workplace as well as undermine an individual's self-confidence. This in turn can lead to a wide range of issues including physical and/or mental health problems, and potentially result in staff leaving their role.

In support of our value to respect others, the Council will not tolerate bullying, harassment, abusive or threatening behaviour, by, or of, any of its employees, officials, members, contractors, visitors to the Council, members of the public from the community which we serve, or third parties.

This policy reflects the spirit in which the Council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from or deal with bullying, harassment and abusive or threatening behaviour.

This policy should be read in conjunction with the Council's *Complaints Policy*, *Vexatious Complaints Policy*, and the members' *Code of Conduct*. The Council will issue this policy to all employees as part of their induction and to all members. The Council may share this policy with contractors, visitors and members of the public.

The Council will endeavour to ensure the safety, protection and welfare of its employees and members at all times by:

- Attempting to reduce the risk of bullying, harassment or abusive or threatening behaviour of, or by, employees or members.
- Making sure managers of employees understand their responsibilities to help prevent incidents of bullying, harassment or abusive or threatening behaviour - for example by assessing, and mitigating where possible, the risk of such behaviours against employees or members.
- Maintaining recording and management systems for all bullying, harassment or abusive or threatening behaviour incidents.
- Making sure management standards are applied consistently
- Making sure employees are aware of their responsibilities.
- Making appropriate training and information available for employees.
- Providing appropriate support to employees following an incident of bullying, harassment or abusive or threatening behaviour - for example by ensuring employees



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who have experienced or witnessed such incidents feel able to report them and that the matter is treated seriously and dealt with as effectively as reasonable practicable.

- Taking appropriate action against any third party who perpetrates bullying, harassment or abuse or violence.
- Ensure employees who have experienced or witnessed incidents are included in decision making of what course of action is to be taken to protect them.

2. Legal Position

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 Council and the perpetrator(s) as individual named respondents.

The legal definition of "Third Party Harassment" has been introduced which makes the employer vicariously liable for harassment from other parties such as parishioners, contractors etc and it must take reasonable steps to manage such situations which could include seeking legal redress on behalf of an employee or member of the Council.

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, where the conduct is viewed as 'serious', or oppressive incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the act.

3. Definitions

Bullying (derived from the ACAS guidance on the topic)

"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."

Internally there needs to be an understanding about how "robust people management" and "bullying" differ; effective management of performance will usually include feedback based



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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.

Internal 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 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.

Harassment (derived from the ACAS guidance on the topic)

“.. 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.”

Abusive or threatening behaviour

Abusive or threatening behaviour is any kind of unwanted behaviour that humiliates, victimises, or threatens anyone. There is a vast range of actions that could be abusive or threatening or abusive in any given context. Behaviour can consist of a single act (e.g. shouting and swearing aggressively during an argument) or a course of conduct (e.g. sending threatening or abusive emails over a course of days or weeks).

Examples of the above in this non-exhaustive list are:

- Violence or making threats of physical violence against a person or their family or property
- Physical behaviour towards a person or their property
- Verbal and physical abuse
- Aggressive behaviour (shouting, use of foul or threatening language)
- insulting someone
- Acts affecting a person’s surroundings
- Intimidation
- ridiculing or demeaning someone
- Facial expressions or mimicry
- Imagery or graffiti
- Jokes or banter
- Discrimination
- Racial slurs
- Sexual advances
- Spreading malicious rumours.

Examples of unacceptable behaviour which could occur within the workplace include, but are not limited to:



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- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of position or power
- Making threats about job security
- 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.

Bullying, harassment and abusive and threatening behaviour can be of any kind including things said or otherwise communicated, as well as things done. They may occur face-to-face, in meetings, by telephone, through written communication, including electronic communication such as e-mail, or on social media. It may occur on or off work premises, during work hours or non-work time.

5. Responsibilities

Organisation Responsibilities

The Council has a legal responsibility to provide employees with adequate health and safety information, induction, and training to address and/or manage foreseeable risks associated with their work and the environment they work in.

- Ensuring risk assessments are developed and completed in consultation with employees to determine whether any measures can be put in place to avoid or reduce the risk of harassment or abuse happening. Risk assessments must be recorded and regularly reviewed, for example when there has been a significant change to the work activity, workplace, following an incident or where there is new information.
- Employees may not always feel comfortable reporting abuse or harassment, disclosures can be made in a range of settings such as one to ones, supervision, sickness or return to work meetings and can be made to an alternative manager or through support of colleagues and professional bodies eg SLCC.
- Listening and supporting the victims of abuse or harassment without judgement.
- Ensuring that employees are trained and aware of how to keep themselves safe in the workplace, how to close down conversations where there is a risk of abuse and/or entrapment and that they are aware of existing guidance to support them.
- Ensure victims of abuse or harassment are included in decision making about course of action to address the abuse/harassment.
- Responding robustly to investigate any incidents of abuse or harassment.
- Keeping employee informed on the progress of their report.

Employees Responsibilities

- Being careful in their own behaviour to avoid provoking others into unacceptable behaviour.



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- Taking reasonable care of themselves and others who may be impacted by their actions.
- Following any safe working arrangements relevant to their roles.
- Dynamically assessing risks where appropriate (e.g. at a home visit).
- Attending any relevant training provided.
- Reporting all incidents of violence, abuse and harassment to their manager following local procedures.
- Discussing any concerns regarding identified risks of violence, abuse or harassment with their manager or other employee or Councillor if the employee has concerns about reporting to their manager.

Employee Support

Managers/Councillors have a regular 'check in' or 'one to one' for a period of time after an incident to check on the employees' wellbeing and give them the opportunity to raise any worries or concerns. The impact of abuse or harassment can last a long time.

In addition, Managers/Councillors should consider offering the follow support options to employees who experience harassment or abuse. It is recognised that not all options will be appropriate depending on the circumstances. They should be led by employees' feedback and their view of what will support them in their situation:

- Discuss the incident with the employees to ensure they feel in control of the steps that will be taken and the full circumstances of the incident and impact on the victim are understood.
- Remove the employees from situations where repeat occurrences of abuse or harassment are likely to take place, where possible. This should be arranged in a way that does not negatively impact the worker being abused.
- Ensure the employee does not have to work alone for a period if visits/duties can be carried out with another team member.
- Discuss reasonable adjustments such as flexible working – this could be adjusting start and finish times or incorporating some home working. Where the employees are based on site, it could mean changing the location from where employees work on a temporary or permanent basis.
- Amend caseload/duties to avoid contact with the service user responsible for harassment or abuse.
- If the incident involved a crime taking place, discuss reporting the incident to the Police and provide information about **Victim Support** www.victimsupport.org.uk - an independent charity that can provide emotional and practical support
- The **Equality Advisory and Support service** www.equalityadvisoryservice.com are also available for victims of abuse for advice on equality and human rights.

6. Procedures for dealing with an incident



6.1 Discouraging an incident

The Staffing Committee will review this Policy annually against risk assessments for its employees working in various scenarios, and propose any necessary modifications to further protect its employees and members.

Where practicable Council will investigate means of providing means of employee-triggerable CCTV / audio recording of interactions/conversations, as is done by many major organisations, so that there is a clear record of these interactions. Knowledge that a recording is being made may help discourage bad behaviour by any party.

6.2 Dealing with an incident in progress

However provoked they may feel a Council employee should be careful not to engage in tit-for-tat behaviour with another party.

If a Council employee consider they are being bullied, harassed or abused they may:

- Inform the other party that they feel they are being bullied, harassed or abused and ask them to moderate their behaviour.
- Should this not result in an immediate change of behaviour the Council employee may inform the other party that they will terminate the current interaction and, at their discretion, tell the other party

Either to contact the Council employee later [one hour later – if urgent, or normally one day later] with moderated behaviour.

Or to contact another named individual (normally the Chair of the Council, or Chair of relevant committee or Working Group) to discuss with them the substantive issue which led to the incident.

- Call another employee of Councillor to come to their place of work to support them.
- If they believe they or others are in immediate danger steps need to be taken to protect the individual and anyone else at risk, including calling the Police (999).

7 Procedures after an incident

7.1 Logging the incident

Anyone concerned that they have been bullied, harassed abused or threatened should make a written/digital record of the incident and send it to their Manager. This report of itself will not be considered as a formal complaint but will be recorded (see 6.3 below for a formal complaint).

Reporting and recording certain types of incidents are legal requirements. Taking the time to report and outline the facts means that those who may need to take action, eg Police or Manager, can investigate the facts of the incidents effectively with your help. Ultimately investigation identifies where and how risks arise and whether further actions need to be taken to prevent such incidents happening again.

It is understood that in some service areas bullying, harassment or abusive or threatening behaviour by third parties can be common, employees can become 'desensitised' to it, and



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it can be viewed as 'part of the job' however those behaviours are unacceptable and should be reported so that appropriate action can be taken.

7.2 Informal Approach

Anyone (employee, contractor, member or member of the public) 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.

7.3 Formal Approach – making a complaint

Where an employee feels unable to resolve the matter informally any complaint about harassment, bullying or abusive or threatening behaviour can be raised confidentially and informally, initially with their Manager or another member of the staffing committee if more appropriate. The complaint should be put in writing after the initial discussion, especially if it is anticipated that a formal grievance procedure will be invoked. The employee will be expected to provide evidence of the conduct about which s/he is complaining.

The Manager must have a debrief with the employee and complete a written statement. If the incident/s are connected to protected characteristics, the seriousness and specific impact should also be recorded on the statement.

The Manager should also contact the Police (if not previously contacted) where there has been use or threat of violence, hate incident or crime and targeted harassment (i.e. happened more than once) and the employee consents to their involvement. If the incident could be classified as a hate incident or hate crime, and the employee is uncomfortable reporting it directly to the Police, they may wish to report this via **True Vision** www.report-it.org.uk This is a national police scheme to help victims report hate crimes and also where to go for support.

7.3.1 Complaints by others against Council employees or members

A member of the public who feels s/he has been bullied or harassed or received abusive or threatening behaviour by any members, officers or employees of the Council should first make an informal notification to the employee/member concerned to resolve the issue. If this has been unsuccessful at eliminating the problem the member of the public should follow the Council's Complaints Policy.

The member(s) being complained about will not prevent the Council operating impartially in its investigation and decision-making in this regard.

7.3.2 Complaints by Council employees against other employees or members

A meeting to discuss the complaint with the aggrieved party will normally be arranged within five working days of a written complaint being received by the manager and will be held under the provisions of the Council's procedures. This meeting will be to discuss the



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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.

A full investigation of the complaint will be held by an appropriate person as appointed by the Staffing Committee of the Council which 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 aggrieved employee to demonstrate how the problem is to be resolved. It may be decided that mediation or some other intervention is required and the Council should contact NALC, an employer's body, or ACAS to this effect or the Council may offer counselling. The employee will have a right of appeal.

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 Council without prior approval by the aggrieved. The Council will commit not to victimise the complainant for raising the complaint once the appropriate dispute resolution process has been concluded.

7.3.3 Complaints against Councillors

If elected members are bullying or harassing, abusing or threatening employees or fellow Councillors, or others then reporting the incident as a contravention of the member's Code of Conduct would be an appropriate measure.

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 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 e.g. inter-personal communication, assertiveness, chairmanship etc., may be more appropriate than a penalty. The range of disciplinary sanctions available to the Council, where a member has been involved in bullying/harassment are limited but do include; admonishment and an undertaking not to repeat the process, removal of opportunities to further harass/bully, banning from committees of the Council and representation on any outside bodies, a referral under the Code of Conduct to the relevant reviewing body. There may also be a referral to the police under the Protection from Harassment Act 1997, or a claim to an Employment Tribunal for Third Party harassment (for harassment relating to one of the protected characteristics under the Equality Act) in the most extreme cases. This list is not exhaustive.

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.



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7.3.3 Complaints against Employees

Bullying, harassment, abuse behaviour or vexatious behaviour by any Council employed persons can be considered examples of serious misconduct which will be dealt with through the Council's disciplinary procedure under the ACAS Code of Practice on Dispute Resolution.

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.

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.

7.3.4 Complaints by Council employees or members against third parties

If an employee or Councillor is experiencing bullying or harassment or abuse or threatening behaviour from a third party the Chairman of Council will endeavour to persuade the individual to desist.

If this is unsuccessful ways of limiting the third parties interaction with the employee will be considered where practicable. Several such ways are described in the Council's *Unreasonably Persistent of Vexatious Complaints Policy*

Bullying, harassment, abusive or threatening behaviour can constitute a criminal offence and in extreme cases the Council should take appropriate legal advice, sometimes available from the Council's insurer, if such a matter arises.

8. Review

This document was approved for use at the meeting of the Parish Council on 12 February 2024, it shall be reviewed periodically, at least once per Council term, or when legislation dictates.

Signed:

A Smith, Chair

Dated: 12 February 2024