



## Lowestoft Town Council Anti-Harassment and Bullying Policy

### 1.0 Policy Statement

1.1 The purpose of this policy is to ensure that all employees are treated with dignity and respect, free from harassment or other forms of bullying at work. It sets out examples of the type of conduct that may constitute harassment or bullying and our commitment to eliminating such conduct.

1.2 This policy covers harassment or bullying which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions. It covers bullying and harassment by employees (which may include consultants, volunteers, contractors and agency workers) and also by third parties such as customers, suppliers or visitors to our premises.

1.3 All employees are responsible for treating their colleagues with dignity and respect. For this policy to succeed, everyone should ensure that they take the time to read and understand it. Every employee should consider whether their words or conduct could be offensive to others. Even unintentional harassment or bullying is unacceptable.

1.4 Where harassment or bullying is shown to have taken place by an employee it will be dealt with under our Disciplinary Procedure as a form of misconduct. In some cases it may be treated as gross misconduct leading to summary dismissal of those responsible.

1.5 Where harassment or bullying is shown to have taken place by a councillor it may be dealt with under the Code of Conduct for councillors, which has been adopted by the Council. Please refer to the Code of Conduct for details of possible sanctions.

1.6 This policy does not form part of any employee's contract of employment and it may be amended at any time.

### 2.0 What the Law Requires

2.1 Under the Health and Safety at Work Act 1974 this Council has a duty to provide its employees with a safe place and system of work. This includes a workplace free from harassment and bullying which may, in certain circumstances, also amount to unlawful discrimination.

2.2 The Council is also responsible for ensuring that employees are protected from unlawful harassment, bullying or discrimination in the course of their work on grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age.

2.3 Individual employees may also in some cases be held legally liable for harassing their colleagues or third parties, and may be ordered to pay compensation by a court or employment tribunal.

### 3.0 Who is Covered by the Policy?

3.1 This policy covers all individuals working for us or at any of our premises irrespective of their status, level or grade. It therefore includes managers, other employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term employees, casual and agency employees (collectively referred to as **employees** in this policy).



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### 4.0 Personnel Responsible for Implementation of the Policy

4.1 The Council has overall responsibility for the effective operation of this policy but has delegated day-to-day responsibility for overseeing its implementation to the Clerk. In the case of allegations against the Clerk, the Mayor, together with the Chair of Personnel shall, in practice, ensure the Council complies with this policy and relevant procedures and shall deal with any allegations. References to the Clerk within this policy should be interpreted accordingly.

4.2 All employees have responsibility to operate within the boundaries of this policy and the Clerk (and any other line managers) shall ensure that all employees understand the standards of behaviour expected of them and take action when behaviour falls below its requirements. Managers will be given training in order that they may do so, where needed.

4.3 Employees should disclose any instances of harassment or bullying of which they become aware to the Clerk.

4.4 Questions about this policy and requests for training or information on dealing with bullying or harassment should be directed to the Clerk.

4.5 This policy is reviewed annually by the Council.

4.6 Employees are invited to comment on this policy and suggest ways in which it might be improved by contacting the Clerk.

### 5.0 What are Harassment and Bullying?

5.1 Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating the recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

5.2 Harassment often (but not exclusively) targets the gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age of the victim.

5.3 A single incident of unwanted or offensive behaviour to one individual can amount to harassment.

5.4 Examples of harassment include:

- Unwanted physical conduct or "horseplay". Physical conduct ranges from touching, pinching, pushing or brushing past someone or invading their personal space, to grabbing, shoving, punching and more serious forms of physical or sexual assault;
- Unwelcome sexual behaviour, which the harasser may perceive as harmless flirting, and which may involve unwanted suggestions, advances, propositions or pressure for sexual activity;
- Suggestions that sexual favours may further a career or that refusal of sexual favours may hinder it;



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- Continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome;
- Inappropriate behaviour whether in the form of offensive or intimidating comments or gestures or insensitive jokes or pranks;
- The sending or displaying of material that is pornographic or obscene or that some individuals or groups may find offensive (including e-mails, text messages, video clips and photographs taken or sent using mobile phones or via the internet);
- Ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

5.5 Bullying is offensive, intimidating, malicious or insulting behaviour which, through the abuse or misuse of power, makes the recipient feel vulnerable, upset, humiliated and threatened. Power includes both personal strength and the power to coerce others through fear or intimidation. Bullying is often a form of harassment and can undermine an individual's self-confidence, competence and self-esteem. As with harassment, bullying can take the form of physical, verbal and non-verbal conduct.

5.6 Legitimate and constructive criticism of a worker's performance or behaviour or reasonable requests made of workers in the course of their employment will not constitute bullying.

5.7 Examples of bullying include:

- Shouting at, being sarcastic towards, ridiculing or demeaning others;
- Physical or psychological threats;
- Overbearing and intimidating levels of supervision;
- Inappropriate and/or derogatory remarks about someone's performance;
- Abuse of authority or power by those in positions of seniority;
- Unjustifiably excluding colleagues from meetings or communications.

5.8 This policy covers harassment or bullying which occurs both in the workplace and in settings outside the workplace, such as business trips, events or social functions organised for or on our behalf and whether on or off our premises.

5.9 Anyone who believes they are being subjected to harassment or that they are being bullied should not hesitate to use the procedures set out below.

### **6.0 Informal Steps to Resolve Bullying or Harassment**

6.1 If you consider that you are being bullied or harassed, you should initially attempt to resolve the problem informally with the person responsible if you feel able, and explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing to do on your own, you should seek support from the Clerk (or line manager where appropriate).



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6.2 If you are in any doubt as to whether an incident or series of incidents which have occurred constitute bullying or harassment, then you should initially contact the Clerk, confidentially, on an informal basis. They will be able to advise you how your concerns should be dealt with.

6.3 If informal steps have not been successful or would not be appropriate, you should follow the formal procedure set out below.

### **7.0 Raising a Formal Complaint About Bullying or Harassment**

7.1 The informal procedure may not be appropriate due to the nature of the harassment or bullying or because you do not feel able to talk directly to the person creating the problem, where they are the line manager. In these cases or where the informal procedure has been unsuccessful, you should raise your complaint in writing with the Clerk, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns that person, you should refer it to the Mayor.

7.2 Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

7.3 As a general principle, the decision to progress a complaint rests with you. However, the Council has a duty to protect all employees and may decide to pursue the matter independently if, in all the circumstances, it is considered appropriate to do so.

### **8.0 Formal Investigations**

8.1 Complaints will be investigated in a timely and confidential manner to establish full details of what happened. Your name and the name of the alleged harasser or bully will not be divulged other than on a "need to know" basis to those individuals involved in the investigation. We will appoint a Committee/sub-Committee with suitable experience and with no prior involvement in the complaint to investigate and we will set out a provisional timetable for the investigation, which will be communicated to all parties. The investigation will be thorough, impartial and objective, and will be carried out with sensitivity and with due respect for the rights of all parties concerned. We reserve the ability to appoint an independent third party to investigate the allegations made.

8.2 Consideration will be given to whether the alleged harasser or bully should be redeployed temporarily, or suspended on full pay or whether reporting lines or other managerial arrangements should be altered pending the outcome of the investigation.

8.3 At the outset of the investigation, the investigator will meet with you to hear your account of the events leading to your complaint. We will arrange further meetings with you as appropriate throughout the investigation and/or at its conclusion.

8.4 The investigator will also meet with the alleged harasser or bully. It may also be necessary to interview witnesses to any of the incidents mentioned in your complaint. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.



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8.5 You have the same rights as set out in the Grievance Procedure to be accompanied by another person during this process. The person complained about may also have an accompanying person.

8.6 At the conclusion of the investigation, the investigator will submit a report to the Committee/sub-Committee nominated to consider the complaint. That body will usually arrange a meeting with you to report the outcome within a week of the conclusion of the investigation. A copy of the investigator's report together with the findings will be provided to you and to the alleged harasser.

8.7 If there is a finding that harassment or bullying has occurred, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence. If the alleged harasser is an employee the findings will be dealt with under our Disciplinary Procedure. Consideration will be given to whether the harasser or bully should be dismissed and, if not, whether they should remain in their current post or be transferred. If the alleged harasser is a councillor, the matter may be dealt with under the Member's Code of Conduct, should you choose to make a formal complaint.

8.8 Even where a complaint is not upheld, consideration will be given to how the ongoing working relationship between you and the alleged harasser or bully should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.

8.9 Any worker who is, after investigation, found to have deliberately provided false information or to have acted in bad faith may be subject to action under our Disciplinary Procedure.

### **9.0 Appeals**

9.1 If the grievance has not been resolved to your satisfaction you may appeal in writing to the Committee/sub-Committee, stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.

9.2 The Council will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by a Committee/sub-Committee who has not previously been involved in the case (although they may ask anyone previously involved to be present). You have a right to bring a colleague or trade union representative, or any person permitted to accompany under the Grievance Procedure, to the meeting.

9.3 We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

### **10.0 Protection for Those Making Complaints or Assisting with an Investigation**

10.1 Employees who make complaints or who participate in good faith in any investigation conducted under this policy will be protected from any form of intimidation or victimisation as a result of their involvement.

10.2 Any employees who considers that they have been subjected to any such intimidation or victimisation should seek support from their line manager. They may alternatively or additionally raise a complaint in writing under this procedure or our Grievance Procedure.



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### **11.0 Confidentiality**

11.1 Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required.

11.2 Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

11.3 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.