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FRAMWELLGATE MOOR PARISH COUNCIL DIGNITY AT WORK BULLYING AND HARASSMENT POLICY

Contents	Page
1. Policy statement	2
2. Aims and objectives	3
3. Definitions	3
3.1 Harassment	3
3.2 Bullying	4
4. Examples of unacceptable behaviour	4
5. Firm, Fair Management	
6 Penalties	6
7. Responsibilites	9
8. Monitoring	9
9. Useful Contacts	9



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1. Policy statement

In recent years, 'dignity at work' has been used as a term to describe a working environment free from bullying and harassment. For the purpose of this policy, we are defining Bullying and Harassment as a combination of factors leading to Dignified Workers.

These factors are:

- Dignified Work – interesting and meaningful work with a degree of responsible autonomy and recognised social status, and
- Dignified Workplace – a workplace with structures and practices that offer equality of opportunity, collective and individual voice, safe and healthy working conditions, secure terms of employment and just rewards

Framwellgate Moor Parish Council (FMPC) are committed to providing a working environment for its employees, officials, members, contractors which is free from harassment, bullying or intimidation of any nature. The organisation has a legal and ethical responsibility to ensure that no-one is subjected to inappropriate behaviour which may not only affect their performance but ultimately their health and wellbeing.

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 and members in order to protect them from bullying and harassment. It should be read in conjunction with the Council's Equality, and Grievance and Disciplinary policies.

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. The Council will undertake to ensure that its members and employees are trained in the processes required by this policy as deemed appropriate.

All staff and Members have a specific responsibility to be vigilant in respect of the identification and elimination of bullying or harassment at work and to ensure implementation of and adherence to this policy.

To intentionally harass alarm or distress anyone can be a criminal offence. Therefore reference to, and application of, the Dignity at Work Policy does not deny or inhibit the individual or the organisation's legal rights, responsibilities and obligations.



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2. Aims and Objectives

The aims and objectives of this policy are to eliminate bullying and harassment from the workplace by:

- Promoting a climate in which employees feel valued and sufficiently supported in bringing forward complaints without fear of victimisation or recrimination
- Raising the awareness for all staff of the stance taken against all forms of bullying and harassment by the organisation and their own responsibilities for preventing such behaviour
- Promoting awareness amongst staff of the reasonableness or otherwise of what may or may not be acceptable behaviour to colleagues and the standards of behaviour expected by the organisation and the impact which unacceptable behaviour can have on colleagues.
- Providing information regarding the adverse effects which bullying and harassment can have on staff and the organisation
- Outlining the informal and formal procedures for dealing with bullying and harassment ensuring that the matter is dealt with promptly and sensitively and taking into account the rights of both parties involved.
- Providing a programme for the communication of the policy, monitoring its effectiveness and training those involved in applying the policy.

3. Definitions.

3.1 Bullying may be defined as “the unwanted behaviour, one to another, which is based upon the unwarranted use of authority or power”.

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

It can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which undermines, humiliates, denigrates or injures an individual or a group of individuals, eroding their confidence and capability.



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3.2 Harassment is unwanted conduct related to a relevant protected characteristic (age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation), 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".

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

4. Examples of unacceptable behaviour

Examples of unacceptable behaviour are as follows (this list is not exhaustive):

1. Spreading malicious rumours,
2. insulting someone,
3. ridiculing or demeaning someone,
4. exclusion or victimisation,
5. unfair treatment,
6. overbearing supervision or other misuse of position or power,
7. unwelcome sexual advances, eg touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
8. making threats about job security,
9. deliberately undermining a competent worker by overloading work and/or constant criticism,
10. preventing an individual's promotion or training opportunities.

Bullying and harassment may occur face-to-face, in meetings, through written communication, including e-mail, through social media, by telephone or through supervision methods. It may occur on or off work premises, during work hours or non-work time.

5. Firm, fair management

Within organisations, it is necessary and appropriate for managers to be able to manage their staff. This will involve:



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- Issuing reasonable instructions and expecting them to be carried out
- Setting and publicising expected standards of performance supported by a relevant appraisal framework
- Disciplining staff for misconduct, where appropriate, following a fair and reasonable investigation, or
- Implementing action in respect of the management of sickness absence in line with the local policy.

It is reasonable to expect a manager to perform these functions fairly, firmly and consistently. Performing them does not constitute an act of bullying/harassment, although some staff may feel stressed or anxious while the procedures are ongoing. However, abusing these procedures may constitute bullying/ harassing behaviour.

It is important to differentiate between firm, fair management and bullying and harassment. It is in the interests of the organisation that managers should be able to execute their duties without threat of malicious or vexatious complaints – which in themselves could be deemed to be a form of bullying/ harassment.

It must also be recognised that where it is found that complaints of a malicious or vexatious nature have been made that these will be dealt with appropriately – and this may involve disciplinary action.

Because of differences in perception, it is not always easy to differentiate between firm, fair management and bullying and harassment.

Appropriate Behaviour	Inappropriate Behaviour
Consistent	Inconsistent
Shares information	Withholds selectively
Fair	Has favourites
Truthful	Distorts, fabricates
Delegates	Abdicates
Builds team spirit	Creates fear/divides
Leads by example	Sets a poor example
Listens	Snaps
Challenge constructively	Avoids conflict
Admits mistakes	Blames others

It is accepted that these descriptions represent extremes of behaviour, although in practise things may not be so clear and individuals may display characteristics which fall somewhere in the middle



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6. Penalties

1. Bullying and harassment are considered examples of serious misconduct which will be dealt with
 - through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the Council for employees, or
 - through referral to the Monitoring Officer² as a contravention of the Member's Code of Conduct. This may result in penalties against the member concerned.
2. In extreme cases harassment can constitute a criminal offence and the Council will take appropriate legal advice, sometimes available from the Council's insurer, if such a matter arises.

The legal position

3. All 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.
4. 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.
5. 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 respondent(s).
6. 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.



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Informal approach for dealing with complaints of bullying and harassment

7. The Council and all those involved benefit if issues of bullying or harassment are resolved informally and as quickly as possible.
8. Anyone - employee, contractor, member or visitor - who feels he or she is being bullied or harassed, whether by a councillor, a colleague, or a member of the public or anyone else with whom the Council has contact, 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 that their conduct is unacceptable, offensive or causing discomfort.

Formal approach for dealing with complaints of bullying and harassment

Employees

- 9 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 Chair of the Parish Council or another councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion with the councillor, as this will enable the formal Grievance Procedure to be invoked.

Others

- 10 Any party to the Council, other than an employee, who feels he or she is being bullied or harassed, should raise their complaint with the Parish Clerk or a councillor where possible. A member of the public who feels s/he has been bullied or harassed by any members or officers of the Council should use the Council's official Complaints Procedure.

Grievance - Employees Only

- 11 Full details of the Council's Grievance Policy are given in the latest version of the document 'Framwellgate Moor Parish Council Disciplinary and Grievance Policies including arrangements' approved by the Council.



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Disciplinary Action- Employees and Councillors

- 12 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.
- 13 For an employee found to have been bullying / harassing others, this will follow the Council's Disciplinary procedure, under the Employment Act 2002 provisions and would normally be treated as Gross Misconduct.
- 14 Full details of the Council's Disciplinary Policy are given in the latest version of the document 'Framwellgate Moor Parish Council Disciplinary and Grievance Policies including arrangements' approved by the Council.
- 15 For councillors who the Council reasonably believes to have been bullying or harassing another person, or persons, whilst undertaking Council activities, the action taken must be reasonable and in some cases counselling or training in appropriate skill areas, e.g. interpersonal communication, assertiveness, chairmanship etc., may be more appropriate than a penalty. The range of disciplinary sanctions available to the Council, where a councillor has been involved in bullying / harassment includes, but is not limited to:
 - 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. There may also be a referral to the Police under the Protection from Harassment Act 1997, in the most extreme cases.
- 16 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 Monitoring Officer ¹

¹ The Monitoring Officer is employed by Durham County Council. He / she has the duty to ensure that the County and the Parish / Town Councils within its area maintain the highest standards of conduct in all they do.

The Monitoring Officer has three main roles:

1. To report on matters he / she believes are, or are likely to be, illegal or amount to maladministration.



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2. To be responsible for matters relating to the conduct of councillors and officers.
3. To be responsible for the operation of the County Council's constitution.

7. Responsibilities

All parties to the 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. The Council undertakes to share this policy with all its members and employees and request that each party signs to demonstrate acceptance of its terms. All new members and employees will be provided with a copy of this policy for signature

8. Monitoring

A review of the policy will be undertaken at least annually (or more frequently as appropriate) and necessary amendments will be undertaken by the Clerk and submitted to the full Council for approval.

9. USEFUL CONTACTS

- Monitoring Officer: Durham County Council, County Hall Durham DH1 5UZ Tel: 03000 260 000
- ACAS: www.acas.org.uk Tel: 0845 7474747
- Equality and Human Rights Commission: www.equalityhumanrights.com
Direct Gov Website: www.gov.uk

