

Civility & Respect Policy

1. Principles and Objectives.

Bearsted Parish Council is committed to creating an environment where all Council Members, Officers, contractors', members of the public and others who come into contact with the Council, its Members and Officers, are treated with the dignity, respect and courtesy that we ourselves would expect. We aim to create an environment where there is zero tolerance for harassment and bullying.

We recognise that unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed. The emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process. Although the Council will not hesitate to take action where necessary and appropriate.

This document:

- explains how we will respond to complaints of bullying or harassment.
- ensures that we respond sensitively and promptly; and,
- supports our Staff and Members in ensuring that behaviour does not amount to bullying and/or harassment.

2. Scope of the Policy.

This policy covers bullying and harassment of and by all Members and Staff in office or employed by Bearsted Parish Council. Should agency staff, or contractors have a complaint connected to their engagement with the Council this should be raised with their nominated contact, manager, or the Chairman of the Council, in the first instance. Should the complaint be about the Chairman of the council the complaint should be raised with the Vice-Chairman of the Council, or the Chairman of the HR Committee.

Agency staff, or contractors are equally expected to treat Council colleagues, and other representatives and stakeholders with dignity and respect, and the Council may terminate the contract, without notice, where there are reasonable suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the Council's grievance policy.

It is noted that the management of a situation may differ depending on whether the allegations relate to Members, Officers or Contractors, but the Council will take appropriate action if any of its Members or Staff are bullied or harassed by Staff, Council Members, members of the public, suppliers or contractors.

3. The Council's position on bullying and harassment.

All Staff and Members are entitled to dignity, respect and courtesy whether within the workplace or taking part in other Council related activities. Everyone associated with the Council are entitled to have this expectation met and to not experience any form of discrimination. The Council will not tolerate bullying or harassment within any aspect of the Council's work or activities, within or outside of the workplace; whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in raising a complaint of harassment or bullying. The Council will ensure that Members, Staff and Contractors are aware that bullying or harassment can be a criminal offence, which could result in a prosecution and a significant sentence. In the case of Members this could also lead to a disqualification from holding elected office. We expect all parts of the Council to treat each other with respect and uphold the values of the code of conduct, and the principles set out in the Civility and Respect pledge (further details available from NALC) to comply with, equality opportunities policy, and the other policies and procedures set out by the Council.

The Council expects all those involved in its activities to demonstrate respect by listening and paying attention to others and having due regard and consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind. Disagreements on matters both large and small are to be expected, but they must be navigated without personal animus.

Where allegations of bullying and harassment are brought forward, they will be treated seriously and investigations will be carried out promptly, sensitively and, as far as possible, confidentially. The grievance policy sets out 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, and the Council will take action against any attempt at retaliatory action.

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. Whilst we will assume that all complaints of bullying and harassment are made in good faith, 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. Where an allegation is not upheld but is the product of a misunderstanding or failure of communication or understanding the Council will seek to address any underlying issues identified.

4. Key Definitions.

Harassment:

- Where a person is subject to uninvited conduct that violates their dignity, in connection with a protected characteristic.
- 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.

5. What type of treatment amounts to bullying or harassment?

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) towards 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.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning 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
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information that, a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

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.

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 clearcut, 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.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic for example 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 inter racial marriage, or a child or partner having a disability for example). This is further outlined and should be read in conjunction with the Council's Equality Policy.

All Staff, Members and Contractors must therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

Constructive Comment:

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.

Victimisation:

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 somebody 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 and other actions designed to create a hostile environment.

Provided that a complainant acted in good faith, and genuinely believes that what they are saying is true, they have a right not to be victimised for making a complaint or taking action 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 or other action against anyone found to have victimised a complainant.

Making a complaint that is known to be untrue, or giving evidence that is known to be untrue, will lead to disciplinary or other appropriate action being taken against the perpetrator.

6. Reporting Concerns.

What should occur if the bullying or harassment is by a member of the public or supplier:

In this scenario the matter, assuming the bullying and harassment involved activities are connected to the Parish Council, should be raised with the nominated manager in the first instance, or, with the Clerk/or the Chairman of the Council (or Committee Chairman). Any such report will be taken seriously, and the Council will decide how best to deal with the situation, in consultation with the affected Member of Staff, or Councillor.

What should Occur if bullying or harassment is by a Councillor:

If bullying or harassment is by a Councillor, this should be raised with the Clerk/Chief Officer or the Chair of the Council in the first instance. They will then decide how best to deal with the situation, in consultation with the affected party. There are two possible avenues 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.

The council will consider reasonable measures to protect 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.

What to do if witnessing an incident of potential harassment or bullying:

Such behaviour should be reported in confidence to the Clerk/Chief Officer or a Councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

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

In this situation where someone is being bullied or harassed by a colleague or contractor, there are two possible avenues, informal or formal. These are described below.

Informal Resolution:

It may be possible in a situation where bullying or harassment is taking place for the affected party to resolve the situation themselves by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council's policy and must stop. Alternatively, they may wish to ask the clerk/chief officer, nominated manager or a colleague to put forward this on their behalf or to accompany them in confronting the perpetrator(s).

If the above approach does not work or if they do not want to try to resolve the situation in this way, or if they are being bullied by their nominated manager, they should raise the issue with the Chair of the Council. (If their concern relates to the Chair, it should be raised it with the Chair of the HR Committee). The Chair (or another appropriate person) will discuss with them 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

It may be possible for this conversation to take place with the alleged perpetrator without revealing the affected party's name if this is their preference. The person dealing with it will also stress that the conversation is confidential.

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 them if this is felt to be appropriate.

If the 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 the matter was initially raised informally. Where this occurs, the affected party will be consulted prior to action being taken.

Raising a Formal Complaint:

If informal resolution is unsuccessful or inappropriate, a formal complaint about bullying and harassment may be made through the Council's grievance procedure. The complaint should be raised with the Clerk/Chief Officer or the Chair of the Council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The Clerk/Chief Officer or the Chair of the Council will appoint someone to investigate the complaint in line with the grievance policy. The complainant 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 to resolve the matter informally.

The alleged perpetrator(s) would normally need to be told the name of the complainant and the details of the grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where they 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.

Where the complaint 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 them in their work and to manage the relationship with the Councillor the allegations relate to, while the investigation proceeds.

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.

The Council will consider how to protect the complainant's health and wellbeing whilst the investigation is taking place and discuss this with them. Depending on the nature of the allegations, the Investigator may want to meet with them to better understand the complaint (see the grievance policy for further information).

After the investigation, a panel will meet with them to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting they may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to you to inform them of the decision and to notify them of the right to appeal if dissatisfied with the outcome. The respondent should put the appeal in writing explaining the reasons why they're



dissatisfied with the decision. The appeal will be heard under the appeal process that is described in the grievance procedure.

The use of the Disciplinary Procedure:

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 our disciplinary procedure. We will keep complainants informed of the outcome.

This policy will be reviewed annually.