



## **Bullying and Harassment Policy**

In support of its declared value to respect others Tidworth Town Council, (hereafter referred to as the Council) will not tolerate bullying or harassment of or by any of its Members, employees, contractors, visitors to the Council, or Members of the Public. The Council is committed to the elimination of any form of intimidation in the workplace.

### **1. Purpose:**

This policy reflects the spirit in which the Council intends to undertake all of its business and outlines the procedures available to protect people from bullying and harassment.

### **2. Definitions<sup>1</sup>:**

#### **2.1 Bullying**

Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of the 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.

#### **2.2 Harassment**

Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. 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.

**2.3** Both 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 compensation.

### **3. Examples<sup>1</sup>:**

**3.1** This list is included to indicate some examples of bullying or harassment covered by this Policy (it is not exhaustive).

**Physical:** unwanted physical contact or intimidation, including unnecessary touching, patting, or brushing against a person, assault, coercing sexual behaviour, physical threats, insulting or abusive behaviour or gestures.

**Verbal:** remarks about appearance, derogatory or lewd comments, innuendoes, name calling, statements which are suggestive, unwelcome, abusive and offensive.

**Behaviour:** that denigrates or ridicules; intimidation or physical abuse; making threats; attempts to stir up hatred against an individual or group.

**Other:** display or circulation of material which is sexually or racially offensive or degrading.

<sup>1</sup> These definitions are derived from the ACAS guidance on the topic



More specific examples of behaviour which may amount to bullying or harassment (it is not exhaustive):

- humiliating or ridiculing others about their work
- spreading rumours or gossip
- shouting
- pointing your finger, invading personal space, shoving, blocking or barring the way
- suggesting that others should leave the organisation
- being hostile to others
- constantly criticising others' work and efforts
- ignoring the views of others
- setting unreasonable tasks or deadlines
- making false allegations against others
- engaging in excessive monitoring of the work of others
- unreasonably obstructing an individual's progress at work by blocking promotion or training opportunities without a genuine business reason
- causing embarrassment by disciplining staff in public

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

#### **4. Legalities:**

**4.1** 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 2015. Bullying or harassment may be considered unlawful discrimination; 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. In addition, a person accused of harassment or bullying may be personally liable to pay damages if a person believes they have been subjected to harassment or bullying by them and complains to an Employment Tribunal on the grounds of sexual, racial, disability or age discrimination, and that complaint is upheld.

#### **5. Procedures:**

**5.1** In conjunction with complying with the Council's Grievance and Complaints Procedure Policy, if an allegation of bullying or harassment is made, the following steps will be taken:

**Informal approach** – Anyone; employee, contractor, Member, or visitor, 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 that their conduct is unacceptable, offensive, or causing discomfort.

#### **Formal approach** –

- a) Employees. 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 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.



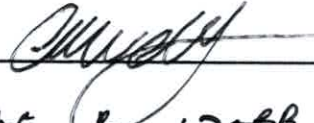
- b) Others. Any other party to the Council, other than an employee who feels he or she is being bullied or harassed should raise their complaint with the Town Clerk or a Councillor, or the Monitoring Officer if an informal notification to a Member has been unsuccessful in eliminating the problem, or where a Member is directly involved in the bullying or harassment.

Investigations into allegations of bullying or harassment may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour (outlined in the Disciplinary Policy)

**5.2** False or malicious allegations of bullying and harassment which damage the reputation of a fellow employee/Member will not be tolerated and will be dealt with as serious misconduct and/or a referral to the Standards Board.

#### **6. Responsibilities:**

All parties to the Council have a responsibility to ensure that their conduct towards others does not bully, harass or in any other way demean the dignity of others. If unacceptable behaviour is observed, then individuals can challenge the perpetrator and ask them to stop. The Council undertakes to share its policy with all Members and employees. This policy will be reviewed bi-annually (or as appropriate) and necessary amendments will be undertaken by the Town Clerk and passed to the Policies & Procedures Committee for approval. The Council will undertake to ensure that its Members and employees (both direct and indirect) are trained in the processes required by this policy as deemed appropriate.

Signed: \_\_\_\_\_  \_\_\_\_\_ Date: 5/9/2023  
(Print Name) CAROL R WEBB Chair, Tidworth Town Council