



COLNEY HEATH PARISH COUNCIL

Highfield Park Office
Hill end Lane
St Albans
Hertfordshire AL4 0RA

Colney Heath Village Office
83 High Street
Colney Heath
Hertfordshire AL4 0NS

Tel: 01727 825314 Email: clerk@colneyheathparishcouncil.gov.uk

ANTI-BULLYING AND HARASSMENT AT WORK POLICY

1.Introduction

The working relationship between Officers and with Councillors is an essential ingredient that should contribute to the successful working of Colney Heath Parish Council ("the Council"). This relationship should be characterised by mutual respect and trust. Councillors and Officers must feel free to speak to one another openly and honestly. Nothing in this Policy is intended to change this relationship. Objective criticism is usually acceptable but can be unacceptable if the criticism becomes personal or delivered in an unacceptable way. The Policy provides guidance and rules on what to do on the rare occasions when things go wrong.

In summary everyone should be treated with dignity and respect at work and bullying or harassment of any kind are in no one's interest and will not be tolerated in the workplace.

2.Policy

Colney Heath Parish Council believes that the bullying, intimidation or harassment of any employee is unacceptable, and all employees have the right to be treated with dignity at all times during their employment. The Council is committed to the principle that all employees should be treated with dignity and respect and regard harassment as totally unacceptable. The Council wish to ensure that Councillors and Officers and Officers and Councillors operate in an environment of mutual trust and respect. This Policy details the standards of behaviour that is expected from employees towards colleagues. In doing so, the Council will regard the perception of the recipient and the effect of the behaviour on them as most relevant rather than just the motive or intent behind the unwanted behaviour.

Harassment, bullying, victimisation or discrimination in the workplace is a serious issue and must be recognised by everyone as such. It can be verbal, physical, by body language or on paper, screen or via social media and include suggestions, insults and slurs of for example a sexual, racial or religious nature. Such behaviour is offensive and unwanted and can be demeaning or cause humiliation and distress to the person to whom it is directed and can create an unpleasant work environment and consequently interfere with job performance.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means to undermine, humiliate, denigrate or injure the recipient.

Harassment in general terms, is unwanted conduct affecting the dignity of men and



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women in the workplace and may be related to any protected characteristic under the Equality Act 2010 and it may be persistent or an isolated incident. The key is that the actions or comments are perceived to be demeaning and unacceptable to the recipient.

Colney Heath Parish Council is committed to the elimination of all forms of bullying and harassment and accepts and supports the principle that all employees have the right to carry out their duties free of any form of such behaviour. We expect all employees to contribute towards the maintenance of a productive, respectful and harassment free environment.

To this end employees are required to behave in a manner which is entirely consistent with this principle and the Council promotes dignity, respect and equality in the workplace regardless of the employee's gender, marital status or civil partnership, gender reassignment, sexual orientation, colour, race and nationality, national or ethnic origin, religion or belief, disability, responsibility for dependants, age, membership or non-membership of a trade union, political affiliation, employment grade or status or willingness to challenge harassment leading to victimisation.

In addition, this Policy aims to ensure all parties receive support and that issues are addressed under the appropriate procedure. For example, in some cases, it will be more appropriate to address an issue under the Council's Grievance Procedure or the Disciplinary Procedure.

The Policy is applicable at all times an employee is on Colney Heath Parish Council business or with colleagues, regardless of whether they are at their normal place of work or at external training programmes and social events or when using social media.

In summary this Policy applies to everyone and covers any form of unwanted, harassing, bullying behavior or discrimination affecting the dignity of men and women at work that is of a physical, verbal or non-verbal nature and which is unwelcome, unwarranted, unsolicited and personally offensive to the recipient, irrespective of the intention and may include the use of email or other. Such behaviour may be persistent or an isolated incident and what is important is the perception of such behavior by the recipient irrespective and not the intention of the other party.

3. Definitions and Key Principles

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the "grey" areas that cause most problems. Examples of what is inappropriate and/or unacceptable behaviour includes:

- intimidation/humiliation
- autocratic/dictatorial behaviour, shouting, browbeating, haranguing, swearing or



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ridiculing

- serious rudeness or discourtesy.
- unwanted physical contact, for example intentionally touching or brushing against someone;
- verbal and written harassment through jokes, sexual, racist or religious remarks, offensive language, gossip and slander, sectarian songs and threats;
- visual displays of posters/calendars, graffiti, obscene gestures, flags, bunting or emblems or any other offensive material;
- isolation or non co-operation at work;
- exclusion from work including from social activities;
- coercion, including pressures for sexual favours, pressure to participate in political/religious groups;
- excessive work criticism;
- excessive and unreasonable work demands;
- intrusion by pestering and spying;
- use of social networking sites such as Facebook to post comments about colleagues which may be considered as harassment or bullying.

When raising a complaint under this Policy, the employee needs to consider what has happened to them that is unwelcome, unwarranted and causes a detrimental effect and whether they perceive it to be bullying or harassment. The commitment, support and action of all employees are crucial to the successful implementation of this Policy. If an employee's willful and deliberate conduct is alleged to be in contravention of this Policy and after an investigation has been held if appropriate it will be subject to the Council's Disciplinary Procedure which could include dismissal, as merited by the facts of the case. The perpetrator also runs the risk of criminal action by undertaking certain types of harassment. Making jokes and insinuating remarks, spreading rumours or trying to unfairly influence the outcome of any investigation will all be dealt with seriously and in accordance with the Parish Council's Disciplinary Procedure.

A key principle of this Policy is confidentiality. This means that anyone who is involved or witnesses an incident must not discuss the case with anyone not involved.

There is an implied term of mutual trust and confidence in every contract of employment. Where the Council is aware of a situation of bullying or harassment of an employee by Councillors or a fellow employee, but fails to act to stop it, it will be in breach of that implied term of employment contract and may cause the employee to leave and claim constructive unfair dismissal against the Council. It is therefore in everyone's interest to promote a safe, healthy and fair environment in which people can work willingly and productively.

Moreover, the Council's recognises that they have a "duty of care" to its employees under the Health and Safety at Work Act which relates to all forms of personal injury including mental as well as physical health. If such a risk to health was foreseeable



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but no action is taken, then the Council could be considered to be at fault and face action by the employee.

4.Procedure

(a) General

Despite all reasonable measures being taken by the Council to implement this Policy and eliminate all forms of discrimination from the workplace, individual behaviour cannot be controlled all the time, and instances of bullying, discrimination or harassment may still be alleged.

If an employee considers that they are being bullied or harassed by a fellow employee, a Councillor or member of the public, they should report it to the Clerk as Proper Officer of the Council in the first instance, unless the bullying or harassment relates to the Clerk, in which case they should report the case to the Chair of the Council, or in the absence of the Chair, to the Vice Chair. When reported to the Clerk, as the Proper Officer, he may make a report to the HR Committee of the Council at the appropriate stage of the procedure below depending on the circumstances of the case.

(b) Informal Resolution

Complaints of alleged harassment should ideally be handled through the informal resolution stage with the intention of reaching a fair, speedy and satisfactory resolution for both parties. A complaint can be made by the employee directly affected or by another employee who has witnessed an incident taking place. This stage makes provision for both parties to discuss the issues either directly face to face, in writing or with support from a third party mediator.

If an employee feels that they are experiencing any type of harassment, bullying or victimisation they should try to explain to the person responsible for this behaviour that it is unacceptable and ask them to recognise the effect their actions are having and to stop acting in that way forthwith. The employee may ask a work colleague to be present with them and in any event should make a note of what happened and the reaction to it.

If an informal approach has failed or is not possible or further unwanted behaviour occurs and the employee feels unable to take the matter up again directly with the perpetrator a complaint may be made in accordance with the Council's Grievance Procedure to the Clerk, or if the complaint is against the Clerk to the Chair of the Council, normally in writing stating:-

- the name of the person causing the problem
- the detail of the act or acts;
- the date(s) and time(s) when the act(s) occurred;
- any action already taken by the employee to stop the action taking place



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It is important therefore that, if an employee has received such treatment they alert the Parish Council to the problem quickly so that action can be taken. The Parish Council will always treat any complaint seriously. Employees should not be “put off” or afraid because they do not wish to be seen making a fuss or are concerned about the reaction of the person about whom they are complaining.

The Council will initiate an investigation and the complainant, alleged harasser and any witnesses will be interviewed with the aim of concluding whether harassment has or not apparently taken place.

(c) Investigation

Any investigation will be carried out discreetly following receipt of the complaint. The Clerk will give the employee the opportunity to reveal the details of the situation in order for a proper investigation to take place. Having had an initial discussion the employee will be asked whether they wish to confirm that they want the matter to be taken further bearing in mind that it could lead to formal action against the alleged perpetrator. If the complainant does not wish the matter to be taken further, then it may need to be dropped, although counselling may be offered. In certain cases, if the case involves potential illegal matters or could involve a risk of harm to other people, a decision may have to be made to take the matter further even if the employee has indicated to the contrary.

If the employee does wish the matter to be taken further then the Clerk or an external HR adviser appointed by the Council will undertake an investigation, including interviewing the alleged perpetrator and any witnesses to the incident(s).

(d) Resolving the problem

If the facts gained from the investigation reveal that harassment, discrimination or bullying has on the balance of probabilities taken place, unless the matter is potentially illegal or constitutes serious/gross misconduct, a range of options may be considered to resolve the matter with the parties – both complainant and perpetrator:-

- an apology and declaration that no further inappropriate behaviour will take place;
- the perpetrator agrees to undertake specific training to change his/her attitude/behaviour;
- the parties agree to mediation being used to attempt to resolve the matter – this would involve an external adviser being brought in;
- one or both parties agree to move from their present work location by agreement if and when practical and possible;
- the perpetrator will be referred for consideration and action in accordance with the Council Disciplinary Procedure.



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Any one or a combination of these options can be determined, with an appropriate review date.

(e) Formal Action

If sufficient evidence gained from the investigation reveal that on the balance of probabilities harassment, discrimination or bullying has apparently taken place and the matter is potentially illegal or constitutes serious/gross misconduct, the Council's formal Disciplinary Procedure will be used to deal with the matter. The formal procedure must be commenced if:-

- the complainant and/or alleged perpetrator do not wish to use informal processes offered; or
- informal action had been agreed in an attempt to resolve the situation, but this has not been successful with the discrimination, harassment or bullying is continuing; or
- the perpetrator is unwilling to make amends to the initial incident/situation; or
- following an investigation or during the course of informal or formal action against the alleged perpetrator, it is found that the complainant has acted maliciously or made unfounded allegations; or
- the case involves potential illegal matters or could involve a risk of harm to other persons.

Colney Heath Parish Council's Disciplinary Procedure will be instigated if:-

- an investigation concludes that harassment discrimination or bullying has seemingly occurred;
- the perpetrator victimises or takes retaliation against the employee who has made a complaint of bullying or harassment;
- an employee breaches confidentiality for example, discussing the investigation with the witness or discussing the case with others not directly involved.

(f) Appeal Procedure

The complainant may appeal in accordance with the Council's Grievance Procedure against the findings of a harassment investigation, normally on either of the following grounds:-

- new evidence has surfaced that did not come to light during the investigation; and/or
- the Anti-Bullying and Harassment Policy and procedure has not been correctly followed.



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(g) Responsibilities under the Policy

The HR Committee has overall general responsibility for the implementation, review, monitoring of this Policy and ensuring corrective action is taken. Every employee has a responsibility to ensure that he/she does not incite, perpetrate or condone any form of harassment or bullying within the workplace or at work related social functions.

Any such action which cannot be resolved on an informal basis, or which is serious, or which continues following a request to stop, will be subject to formal investigation and procedures. Any employee, regardless of grade or position, found to be responsible for inciting, perpetrating or condoning harassment, bullying or discrimination may face disciplinary action, which may lead to dismissal.

(h) Councillors and the Code of Conduct

Councillors are obliged by the Members Code of Conduct to:-

- "promote equality by not discriminating unlawfully against any person";
- "treat others with respect"; and
- "not to do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority."

If there are instances of alleged bullying or harassment by Councillors towards Officers or other Councillors, then it is the duty of those Councillors, who are aware of the incident, to report it to the Clerk and to the Chair of the Council in the first instance. It is also open to Officers, either who are the subjects of bullying or harassment by Councillors or who witness such an incident, to report it to the Clerk and/or to the Chair of the Council.

If Councillors or Officers do witness incidents of bullying or harassment by other Councillors, they should seek the advice of the Clerk, as the Proper Officer of the Council who will then discuss the matter with the Chair of the Council, or if the incident related to the Chair, then the Vice Chair. The matter will be investigated which will include interviewing the Councillor to seek to resolve the issue, where an apology may be called for. Failing the satisfactory resolution of the matter, then the Clerk should report the matter to the Monitoring Officer at St Albans District Council.

(i) Action by Members of the Public

Colney Heath Parish Council will not tolerate the abuse, bullying, harassment or vexatious complaints against its employees, Councillors or volunteers by members of the public. All such incidents will be reported to the Clerk who will inform the Chair of the Council and an appropriate initial course of action agreed to address the reported incident which is likely to involve interviewing the Councillor and/or the employee in the first instance.



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The Chair, the Clerk, the Councillor and/or the employee as appropriate will then agree a preferred course of action, which may involve writing to the member of the public in question or reporting the incident to the Police.

(j) Safeguards

This Procedure is to be confidential to all parties and the Parish Council will not disclose information except where disclosure is necessary for the purposes of investigating the complaint or taking relevant disciplinary measures or is subject of legal proceedings. Records will be kept detailing the nature of the complaint, the response and any action taken with the reasons for it. These records will be kept confidential and retained in accordance with data protection principles.

No employee will be reprimanded or made to suffer harassment or penalty from anyone as a result of raising a complaint or seeking resolution of a complaint through this Procedure.

(k) Malicious Allegations

Where an accusation of discrimination, bullying or harassment is found to be false and made for malicious reasons, then that in itself will be considered a breach of this Policy and will be investigated and may lead to disciplinary action including the possibility of dismissal.

(l) Review

This Policy and procedures will be reviewed every two years by Colney Heath Parish Council, as appropriate, to assess its effectiveness and any appropriate changes made.

This policy was reviewed and recommended by the HR Committee at the meeting held on 27th June 2019. It was adopted at Full Council on 18 July 2019 and recommended for review in July 2021 or as legislation changes.

COLNEY HEATH PARISH COUNCIL
CLERK TO THE COUNCIL

DATE – 18th July 2019