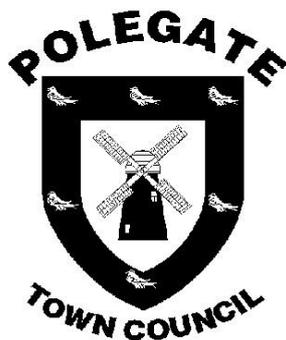


POLEGATE TOWN COUNCIL



BULLYING/HARASSMENT EXTERNAL POLICY

Policy Number 22		
Issue No.	Date agreed	Details of amendments
1	25/11/2013	Personnel 14 th October 2013, For resolution by Finance & Policy Committee 11 th November 2013 ADOPTED 25 th November 2013
2	25/02/2016 (amended)	Revision of sections 1.1 – 1.3 to include definitions and additional information on harassment legislation. Minor emendations to sections 2.1 – 2.3
3	11/03/2016	Approved by Finance & Policy Committee
4	23/5/16	For adoption At Annual Stat Meeting
5	22.05.17	Adopted at Annual Stat Meeting

1.0. PURPOSE

1.1. In support of its value to respect others, Polegate Town Council will not tolerate the bullying or harassment of any member of staff by any member of the public, visitor to the Council, or any other person having contact with the Council's staff. This policy outlines the specific procedures available to all employees in order to protect them from bullying and harassment.

The Council will issue this policy to all employees as part of their induction and to all members as part of their welcome pack. The Council may also wish to draw the public's attention to this policy via the Data Transparency pages of the Council's website.

1.2 Definitions

Bullying

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

Harassment

Harassment may be characterised as unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This usually 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.

Bullying and harassment are behaviours that are unwanted by the recipient. They are generally evidence by a pattern or course of conduct, rather than being 'one off' incidents.

1.3 The Legal position

The Council has a duty of care towards its staff under Common Law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. 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. From 6th April 2008, changes to the Sex Discrimination Act mean Council has a duty of care towards all staff and liability under common law arising out of the Employment Rights Acts 1996 and the Health and Safety at Work Act 1974.

In addition, the Criminal Justice and Public Order Act 1994 and the Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence, and a right to damages for the victim. An individual causing harassment may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination. The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes; for instance, employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that the damages for personal injury and distress can be awarded under the Act.

2.0 PROCESS FOR DEALING WITH BULLYING AND HARASSMENT

2.1. You may experience bullying and harassment by members of the public.

This behaviour can be either verbal, for example:

- via the telephone
- face to face with the member/s of the public
- written correspondence, letters etc. or
- email or cyberstalking

or physical, for example:

- assaults or violence towards you, or the threat of assault or violence towards you
- damage to your property (e.g. car)
- inappropriate sexual behaviour

2.2. In the first instance ALL suspected incidents of bullying or harassment must be reported to the Town Clerk and comprehensive notes should be made. These notes should include:

- date,
- time,
- content, and
- if possible the person's name and the name of any witnesses to the incident.

If it is possible that the incident was caught on CCTV in or around the Town Hall, ask for the system to be checked and any relevant footage saved. Where the bullying is done by email, do not respond to the emails and keep the emails as evidence.

2.3 The Town Clerk will speak to the complainant and examine any notes made, and from this will determine, in agreement with the complainant, whether the incident is severe enough to report to the

police. In cases of doubt the Town Clerk should consult the Police. All incidents involving physical assaults or violence will be reported to the Police.

- 2.4. All such incidents will be reported to the Council for appropriate action including reporting to the Police if appropriate.

3.0 SANCTIONS:

- 3.1 Where it is proven beyond all reasonable doubt to the Council that a member of the public has bullied or harassed a member of staff, the Council reserves the right to impose sanctions against that person or persons, including:

- Blocking their email address and not accepting further emails
- Reporting the incidents to the sender's Internet Provider service
- Banning the person or persons from the Town Hall, or other Council owned buildings or facilities.