

# **BARRINGTON PARISH COUNCIL**

## **Protocol on Bullying and Harassment**

### **1. Background**

1.1 The relationship between Councillors and Officers is an essential ingredient that should contribute to the successful working of the organisation. This relationship within the authority should be characterised by mutual respect, informality and trust. Councillors and Officers must feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. Objective criticism is usually acceptable but can be unacceptable if the criticism becomes personal. This protocol gives guidance on what to do on the rare occasions when things go wrong.

1.2 Everyone should be treated with dignity and respect at work. Bullying and harassment of any kind are in no-one's interest and should not be tolerated in the workplace.

### **2. What is bullying and harassment?**

2.1 Examples and definitions of what may be considered bullying and harassment are provided below for guidance. For practical purposes, those making a complaint usually define what they mean by bullying or harassment – something has happened to them that is unwelcome, unwarranted and causes a detrimental effect. If employees complain they are being bullied or harassed, then they have a grievance which must be dealt with regardless of whether their complaint accords with a standard definition.

### **3. How can bullying and harassment be recognised?**

3.1 There are many definitions of bullying and harassment. 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.

3.2 Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

3.3 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 unacceptable behaviour include:

- "inappropriate behaviour"
- intimidation/humiliation
- excessive criticism
- autocratic/dictatorial behaviour
- shouting
- browbeating

- haranguing
- swearing
- ridiculing
- expressions of intolerance
- general discourtesy

3.4 Bullying and harassment are not necessarily face to face; they may be by written communications, e-mail (so called “flame mail”) and telephone.

#### **4. Why does the Council need to take action on bullying and harassment?**

4.1 There is an implied term of mutual trust and confidence in every contract of employment. Where the Parish Council is aware of a situation of bullying or harassment of an employee by one of its Councillors but fails to act to stop it, it will be in breach of that implied term of employment contract and may be held liable for the constructive dismissal of that employee.

4.2 It is in every employer’s interest to promote a safe, healthy and fair environment in which people can work.

4.3 A parish council’s duty of care to an employee relates to all forms of personal injury, which will include mental as well as physical health. If a risk to health was foreseeable but no action was taken then the Parish Council could be at fault and compensation could be sought.

#### **5. The Members’ Code of Conduct**

5.1 Bullying is expressly forbidden under paragraph 3(2)(b) of the Model Code of Conduct. There are, in addition, complementary obligations to;

- not do anything which may cause the authority to breach any equality laws;
- treat others with respect;
- not intimidate any person who is or is likely to be a complainant, a witness or involved in an investigation relating to a breach of the Code; and;
- Not compromise or attempt to compromise the impartiality of those who work for, or on behalf of, the Council.

5.2 A proven allegation of bullying or harassment will always be a breach of the Code of Conduct and the Councillor involved is liable to be reported to the Local Standards Committee. Adopting a grievance procedure enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way.

5.4 For an example grievance procedure, contact your District or Unitary Council’s Personnel or HR Department or the County Association of NALC.

5.5 If a Councillor is dissatisfied with the conduct, behaviour or performance of the Clerk or another employee, the matter should be raised with the Clerk in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke the Council’s disciplinary procedure.

*Barrington Parish Council*

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