

BENENDEN PARISH COUNCIL

Harassment, Bullying, Abuse & Intimidation Policy & Procedure

1. Introduction

Many people in our society are victimised and harassed, abused, bullied & intimidated as a result of their race, creed, colour, nationality, sex, disability or gender re-assignment.

Harassment, abuse, bullying & intimidation can take many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse. Whatever form it takes, harassment, abuse, bullying & intimidation is always serious and is totally unacceptable.

The council recognises that personal harassment, abuse, bullying & intimidation can exist in the workplace as well as outside and that this can seriously affect employees' working and personal lives, and health by interfering with their job performance or by creating a stressful, intimidating and unpleasant working environment.

2. Policy

The council deplores all forms of personal harassment, abuse, **bullying & intimidation deriving from whatever source** and seek to ensure that the working environment is sympathetic to all the council's employees and councillors.

The council has published these procedures to inform employees and councillors of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment with a means of redress.

The council recognises that it has a duty to implement this policy and all employees and councillors are expected to comply with it. Failure to comply by whomsoever will result in the most vigorous action, including reporting the person to the appropriate agency, or taking legal action against the offender(s).

2.1 Examples of harassment, bullying & intimidation

Harassment, abuse, bullying & intimidation can take many forms and members of staff or councillors may not always realise that their behaviour constitutes harassment. Harassment, abuse, bullying & intimidation is unwanted behaviour by one member of staff towards another, or a councillor(s) towards a member of staff, and examples of harassment, abuse, bullying & intimidation include:

- Insensitive jokes and pranks
- Lewd or abusive comments about appearance
- Deliberate exclusion from conversations
- Displaying of abusive or offensive writing or material
- Unwelcome touching
- Remarks concerning race, religion, gender, sexual-orientation, disability
- Remarks about medical conditions

3.1 Informal Complaint

The council recognises that complaints of harassment, abuse, bullying & intimidation and particularly of sexual harassment can sometimes be of a sensitive nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure.

In these circumstances you are encouraged to raise such issues with a senior member of staff, or councillor, of your choice, whether or not that person has a direct supervisory responsibility for you.

If you are the victim of minor harassment, abuse, bullying & intimidation you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop.

If you feel unable to do this verbally, then you should hand a written request to the harasser - or a senior member of staff, or councillor of your choice, who will assist you in the matter.

3.2 Formal Complaint

Where the informal approach fails or if the harassment, abuse, bullying & intimidation are more serious, you should bring the matter to the attention of the most senior appropriate person as a formal written complaint and again, a senior member of staff, or councillor of your choice will assist you in this. You should keep diary notes of the cause of your complaint so that the written complaint can include:-

- The name of the alleged harasser, abuser, bully
- The nature of the alleged harassment, abuse, bullying & intimidation
- The dates and times when the alleged incident(s) occurred
- The names of any witnesses
- Any action already taken by you to stop the alleged incident(s)

On receipt of a formal complaint the council will take action to separate you from the alleged harasser, abuser, and bully to enable an uninterrupted investigation to take place. This may involve a temporary transfer of your duties or exceptional leave with full salary until the matter has been resolved.

The person dealing with the complaint will carry out a thorough investigation in accordance with the council's disciplinary procedure. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

When the investigation has been concluded a draft report of the findings and of the investigator's proposed decision will be sent, in writing, to you and to the alleged harasser, abuser, and bully. If you or the alleged harasser, abuser, bully are dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within

five working days of receiving the draft. Any points of concern will be considered before the final report is sent, in writing, to you and the alleged harasser.

4. General notes about Harassment, Abuse, Bullying & Intimidation

If the report concludes that the allegation is upheld, the person(s) complained of will be subject to disciplinary action in accordance with the council's internal disciplinary procedure. If the matter is of such a serious nature that the powers of the council are deemed inadequate to deal with the matter satisfactorily then the council will take legal advice.

An employee who receives a formal warning or who is dismissed for harassment may appeal against the disciplinary action by using our disciplinary appeal procedure.

If you bring a complaint of harassment you will not be victimised for having brought the complaint. However if the report concludes that the complaint is untrue and has been brought with malicious intent, disciplinary action will be taken against you.

If the matter involves a councillor the council will use its internal complaints procedure to deal with the matter, or if the matter is of such a serious nature that the powers of the council are deemed inadequate to deal with the matter satisfactorily then the council will take legal advice.

Note:

Councillors are covered by the members Kent Code of Conduct and any complaints about their behaviour or conduct towards each other, or a member of staff, should be directed to the Tunbridge Wells Audit & Governance Committee, in the first instance.