Lessingham Parish Council

Policy on Bullying and Harassment

1. **Aims and objectives of this Policy**

   One of the values of this council is to respect others. It will not tolerate bullying or harassment by, or of, any of its employees, officials, contractors, visitors to the council or members of the public from the community which it serves.

   This policy reflects the spirit in which the council intends to undertake all of its business and outlines the specific procedures available to all within and outside of the organisation in order to protect them from bullying and harassment. It should be read in conjunction with the council's other policies: Grievance and Disciplinary Policies; Lone Worker Policy, Code of Conduct and Complaints Policy.

   The council will display this Policy on its website to inform all councillors, staff and the public. The council may direct contractors, visitors and members of the public to the policy on the website.

2. **Definitions**

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

   These definitions are derived from the ACAS guidance on the topic. ACAS www.acas.org.uk and Tel no: 0300 123 1100

3. **Purpose of this Policy**

   Bullying and Harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents.

   Bullying and harassment can lead to poor morale, low productivity, poor performance, sickness absence, mental health issues, lack of respect for others, turnover, damage to the council's reputation and ultimately, legal proceedings

against the council and payment of legal fees and potentially unlimited compensation.

This Policy is therefore intended to reduce the possibility of harassment and bullying, but also to explain to everyone involved how the matter will be handled.

4. **Examples of unacceptable behaviour are as follows:**

Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, making threats of physical violence against a person or their family, deliberately undermining a competent worker by overloading work and/or constant criticism, blaming a person for others' mistakes, preventing an individual's promotion or training opportunities.

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

5. **Types of Bullying and Harassment**

Bullying and harassment may arise in a number of situations, through different methods and over varying timeframes. The list below will be kept under review:

a) Bullying and harassment by any employed persons will be dealt with through the Disciplinary Procedure at a Gross Misconduct level. It may result in summary dismissal from the council. The matter will be dealt with by a Personnel Committee of the Council.
b) If councillors are bullying or harassing employees, contractors, fellow councillors and others then a referral through the Code of Conduct should take place. That referral should be made by the Council as a Corporate Body. The Council will have a standing order to advise that disruptive behaviour by a councillor at a council meeting will result in the Chairman asking the councillor to behave or in adjourning the meeting. If the councillor's behaviour constitutes harassment then this must be recorded (see c below).
c) If a member of the public disrupts a council meeting (and this includes harassment of councillors or officers) that person may be asked to behave and keep quiet. If this fails then the Chairman is with within their rights to ask that member of the public to leave the meeting. The Chairman is responsible for controlling the meeting, but they may receive advice form the Clerk.
d) If an employee is experiencing bullying or harassment from a third party (outside of the meeting) the council will act reasonably in upholding its duty of care towards its own employees. In extreme cases harassment can constitute a criminal offence and the council should take appropriate legal advice, from the council's insurer. As well the council should consider reporting the matter to the police. Once identified, all bullying and harassment matters should be detailed on a schedule – giving date and behaviour involved. The council will

have a standing order which says that members of the public who ask the same questions (verbally, by letter or electronically) and who have already had a response to those questions will not be answered again. Such questions will be classed as vexatious. They are a form of harassment.

e) If either a councillor or member of the public is violent, the police will be called.
f) A member of the public who feels they have been bullied or harassed by any officer or councillor should use the council's official Complaints Procedure.

6. The legal background

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 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 Under the Equality Act 2010. Bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the council and the perpetrator(s) as individual named Respondents.

In addition, 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. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination. Damages for personal injury and distress can be awarded under the Act.

Section 1(8) of the Public Bodies Admission to Meetings Act 1960 does not give a member of the public the right to disrupt a meeting.

7. Review

A review of the policy shall be undertaken each year (or as appropriate) and necessary amendments will be drafted by the Clerk and reported to the full council for approval.

The Council will undertake to ensure that its members and officers are trained in the processes required by this policy as deemed appropriate. The Council will also undertake to set a training budget for the Council.

Adopted: November 2026
Next review: November 2029