

1. Background

- 1.1 The relationship between Councillors and with Council employees, notably the Clerk, is an essential ingredient that should contribute to the successful working of the organisation. This relationship within the Council should be characterised by mutual respect, informality and trust. Councillors/Officers must feel free to speak to one another openly and honestly. Objective criticism is usually acceptable but can be unacceptable if the criticism becomes personal. This procedure gives guidance on what to do on the rare occasions when things go wrong and should be read in conjunction with P15 "Handling Complaints", P17 "Grievance Procedure" and P18 "Disciplinary Procedure".
- 1.2 Everyone should be treated with dignity and respect. Bullying and harassment of any kind are in no-one's interest and should not be tolerated.

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 people complain they are being bullied or harassed, then they have a grievance which must be dealt with regardless of whether or not 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. Council and Employees

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 authority.

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. Before this an attempt should be made to resolve the matter at parish level (see P15 ‘Handling Complaints’). Councillors are entitled to challenge Officers as to why they hold their views. However, if criticism amounts to a personal attack or is of an offensive nature, the Councillor is likely to have crossed the line of what is acceptable behaviour.

5.3 If there are instances of bullying or harassment by Councillors towards officers or other Councillors, then those Councillors who are aware of the incident should consider reporting it to the Standards Committee of the relevant principal authority. It is also open to Officers who are either the subject of bullying or harassment or who witness such an incident to similarly report it to the Standards Committee (which is likely to have established an Assessment Sub-Committee to decide whether to investigate such complaints).

5.4 If Members or Officers are unsure what to do or how to report the matter, they should seek the advice of the Monitoring Officer.