



Yateley Town Council Harassment, Bullying, Abuse, Intimidation & Whistleblowing Policy & Procedure 2020

1.0 Introduction

1.1 Harassment, abuse, bullying and 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 and intimidation is always serious and is totally unacceptable.

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

2.0 Policy

2.1 The Council deplores all forms of personal harassment, abuse, bullying and intimidation deriving from whatever source and seeks to ensure that the working environment is sympathetic to all Council employees.

2.2 These procedures are to inform employees of the type of behaviour that is unacceptable and provide employees, who are the victims of personal harassment, with a means of redress.

2.3 The Council has a duty to implement this policy and all employees and Councillors are expected to comply with it. Failure to comply will result in the most vigorous action and may include reporting the person to the appropriate agency or taking legal action against the offender(s).

3.0 Examples of Harassment, Bullying & Intimidation

3.1 Harassment, abuse, bullying and intimidation can take many forms and members of staff or Councillors may not always realise that their behaviour constitutes harassment. Harassment, abuse, bullying and 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 or age;
- Pet names or demeaning nick names, particularly those based on a person's race, religion, gender, sexual-orientation, disability or age.
- Abusive, threatening or intimidating or insulting words or behaviour.

4.0 Making an Informal Complaint

4.1 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 staff to raise the issue through the Council's normal grievance procedure. In these circumstances staff should contact the Town Clerk.

4.2 Staff are advised make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If staff feel unable to do this verbally, then they should hand a written request to the harasser - or the Town Clerk, who will assist in the matter.

5.0 Making a Formal Complaint

5.1 Where the informal approach fails or if the harassment, abuse, bullying and intimidation are more serious, staff should bring the matter to the attention of the Town Clerk as a formal written complaint. Staff members should keep diary notes of the cause of the complaint so that the written complaint can include:

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

5.2 On receipt of a formal complaint the Council will take action to separate the aggrieved staff member from the alleged harasser/abuser/bully to enable an uninterrupted investigation to take place. This may involve a temporary transfer of duties or exceptional leave with full salary until the matter has been resolved.

5.3 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.

5.4 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 the members of staff and to the alleged harasser/abuser/bully. If either party is 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 both parties.

6.0 General notes about Harassment, Abuse, Bullying & Intimidation

6.1 If the report concludes that the allegation is well founded, 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.

6.2 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.

6.3 Anyone bringing a complaint of harassment 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.

6.4 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.

7.0 Whistleblowing

7.1 'Whistleblowing' is when a worker reports suspected wrongdoing at work. Officially this is called 'making a disclosure in the public interest'. A worker can report things that aren't right, are illegal or if anyone at work is neglecting their duties, including:

- Someone's health and safety is in danger;
- Damage to the environment;
- A criminal offence;
- The Council isn't obeying the law (e.g. not having the right insurance);
- Covering up wrongdoing.

7.2 How to 'blow the whistle' - the member of staff should contact the Town Clerk about the issue they want to report. If the member of staff can't tell their employer, they should contact a prescribed person or body. A worker can only tell the prescribed person or body if they think their employer:

- Will cover it up;
- Would treat them unfairly if they complained;
- Hasn't sorted it out and they've already told them.

7.3 Dismissals and whistleblowing - a member of staff can't be dismissed because of whistleblowing. If they are, they can claim unfair dismissal - they'll be protected by law as long as certain criteria are met. Types of whistleblowing eligible for protection, also called 'qualifying disclosures' are:

- That someone's health and safety is in danger;
- Damage to the environment;
- A criminal offence;
- That the company isn't obeying the law (e.g. not having the right insurance);
- That someone's covering up wrongdoing.

7.4 Who is protected - the following people are protected:

- Employees;
- Agency workers;
- People that are training with an employer, but not employed;
- Self-employed workers, if supervised or working off-site;
- You're also protected if you work in a school or sixth-form college, whether you're an employee or an agency worker.

7.5 A worker will be eligible for protection if:

- They honestly think what they're reporting is true;
- They think they're telling the right person;
- They believe that their disclosure is in the public interest.

7.6 Who isn't protected - workers aren't protected from dismissal if:

- They break the law when they report something, e.g. they signed the Official Secrets Act;
- They found out about the wrongdoing when someone wanted legal advice ('legal professional privilege'), e.g. if they're a solicitor;
- Workers who aren't employees can't claim unfair dismissal because of whistleblowing, but they are protected and can claim 'detrimental treatment'.

7.7 Tribunals - workers dismissed for whistleblowing can go to an employment tribunal. If the tribunal decides the employee has been unfairly dismissed, it will order that they are:

- Reinstated (get their job back);
- Paid compensation;
- A tribunal judge can reduce any compensation awarded by 25% if they find the person has acted dishonestly.

7.8 A whistleblower who is bullied at work will also be able to bring a claim to the employment tribunal against their employer or colleagues.

Amendment Record

Version 1: Approved by the Finance & Policy Committee 12.03.18
 Version 2: Approved by Finance & Policy Committee 09.09.19
 Version 3: Approved by Finance & Policy Committee 07.09.20