Kirton in Lindsey Town Council

Policy No 33: Dignity At Work Policy

Reviewed, Updated and Adopted: October 2026 (v.20262) *[FC2610/08]*

Next Review September 2027

Kirton in Lindsey Council believes that civility and respect are important in the working environment, and expect all Councillors, Officers and the public to be polite and courteous when working for, and with the Council.

Purpose

Kirton in Lindsey Council is committed to creating a working environment where all Council employees, Councillors, contractors and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying

In support of this objective, Kirton in Lindsey Council has signed up to the Civility Pledge, as a commitment to civility and respect in our work, and politeness and courtesy in behaviour, speech, and in the written word. Further information about the Civility and Respect Pledge is available NALC & SLCC

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment;
- ensures that we respond sensitively and promptly; and,
- supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples;
- Explains how we will respond to unreasonably persistent and unacceptable behaviour.

Scope

This policy covers bullying and harassment of and by Officers and all employees engaged to work at Kirton in Lindsey Town Council. Should staff, volunteers or contractors have a complaint connected to their engagement with Kirton in Lindsey Town Council this should be raised to their nominated contact, manager, or the Chair of the Council, in the first instance. Should the complaint be about the Chair of the Council the complaint should be raised to the Council's Personnel & Disciplinary Committee.

Agency staff, or contractors are equally expected to treat Council colleagues, and other representatives and stakeholders with dignity and respect, and the Council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the Council's grievance policy.

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, Councillor), however, the Council will take appropriate action if any of its

employees are bullied or harassed by employees, Councillors, members of the public, suppliers or contractors.

Contact with Kirton in Lindsey Town Council should similarly be with dignity, respect and courtesy and we outline how we will respond if this is found not to be the case.

The position on bullying and harassment

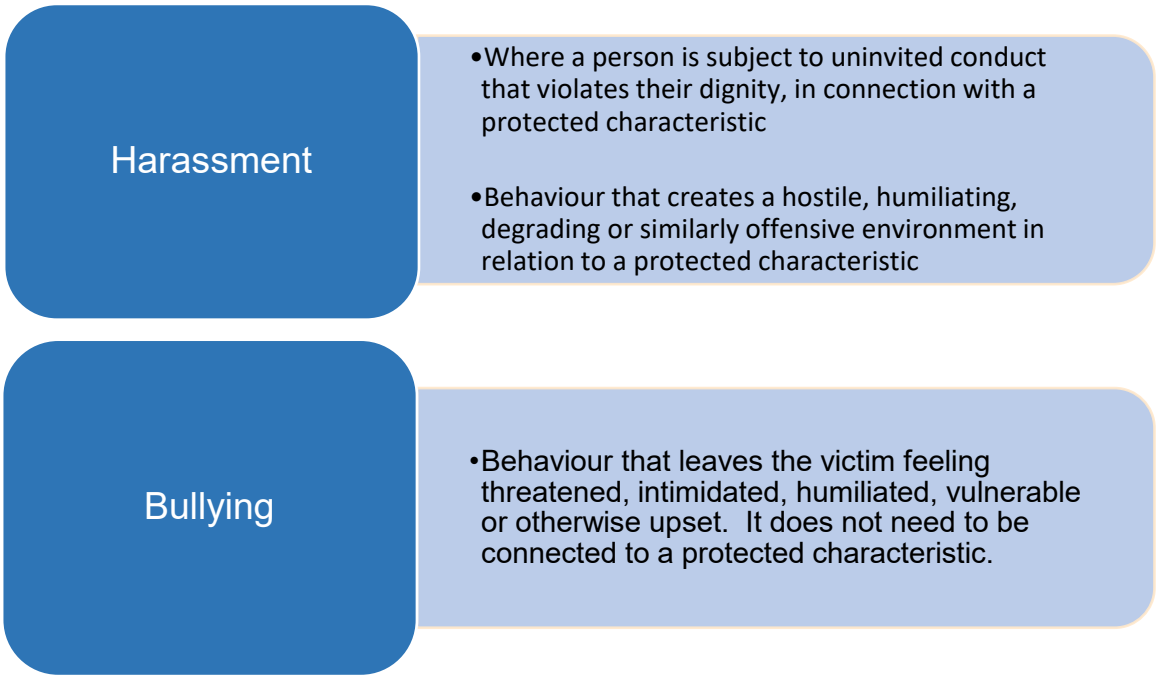
All staff and Council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. Kirton in Lindsey Town Council will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We expect all representatives of the Council to treat each other with respect and uphold the values of the Code of Conduct, Civility and Respect pledge, Equality policy, and all other policies and procedures set by the Council.

We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the Council's disciplinary procedure.



What Type of Treatment amounts to Bullying or Harassment?

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work

- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions, but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear, however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic (such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due to their association with someone else (such as harassment related to their partner having a disability for example). See the Council's Equality Policy.

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

Victimisation

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the Council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

Unreasonably persistent and unacceptable behaviour

Kirton in Lindsey Town Council is committed to providing excellent service to everyone who contacts us. Everyone is entitled to be treated respectfully, courteously and in a polite manner.

Where anyone raises an issue or complaint with us, they have a right to expect to be dealt with fairly and impartially. They should also receive a response which fully addresses their concerns in a timely manner.

When dealing with anyone, we do not normally limit the form or amount of contact they have with us. However, as an employer and public authority, we have a duty to safeguard the health and wellbeing of our staff, Councillors, contractors and others who come into contact with us in the course of our work. Kirton in Lindsey Town Council does not expect its staff, Councillors, contractors or others to tolerate abusive, threatening, demeaning or offensive behaviour either verbally or in writing. Similarly, we do not expect to deal with someone who, because of the frequency of their contact, places a strain on time and resources and causes undue stress.

Kirton in Lindsey Town Council will respond professionally and sympathetically to everyone. Where anyone acts persistently, determinedly or assertively, they usually display this behaviour legitimately in the pursuit of a resolution to their complaint. However, there may be times when there is nothing further that can reasonably be done to assist or rectify a perceived problem. In such circumstances, we recognise that there are occasions when certain conversations or investigations should be drawn to a close, if there is no reasonable way of resolving the situation to everyone's satisfaction.

The purpose of this section of the policy is to explain the appropriate action that Kirton in Lindsey Town Council will take against those deemed to be displaying unreasonable or unacceptable behaviour which can cause distress or strain our resources with persistent, unrealistic demands or unacceptable behaviour.

In dealing with everyone, we recognise that our resources, including staff, Councillor and contractor time, have to be used responsibly and directed where they can provide the most value. This might mean that we cannot always respond to every complaint in the manner and to the extent that a customer would choose.

Unreasonably persistent and unacceptable behaviour - Principles

We expect our staff, Councillors, contractors and others who come into contact with us in the course of our work to be treated with courtesy and respect. We recognise that people can at times feel under pressure, distressed or feel that they have to be determined to pursue their concerns. They can also feel angry about their situation.

Kirton in Lindsey Town Council will distinguish between distress, frustration, forcefulness and determination, and any of these developing into unreasonably persistent and/or unacceptable behaviours.

It is difficult to provide a strict definition of what constitutes unacceptable behaviour, but broadly

• Behaviour or language that may cause someone to feel seriously stressed, afraid, intimidated, threatened or abused, e.g. the use of language that could be described as foul, offensive, demeaning, inappropriate and/or racist, sexist or homophobic, threats or physical violence, derogatory remarks, rudeness, harassment, inflammatory statements and unsubstantiated allegations;

• Unreasonably persistent people who, because of the frequency or nature of their contact, place a strain on time and resources, e.g. pursuing complaints in inappropriate ways, pursuing issues which appear to have no substance or are outside of our remit, or which have already been responded to and the outcome determined.

This type of behaviour can be exhibited in many different manners, including in person, on the telephone or in written correspondence (via post, hand or digital communication). When dealing with this kind of behaviour, we will take into account the frequency of contact, the content of the contact, the actions we took to resolve the content and the level of disruption caused.

Examples of unreasonable behaviour include:

• making unnecessarily excessive demands on the time and resources of the Council or contractors whilst an issue or complaint is being looked into. This could include excessive telephone contact, sending letters, emails or other messages to numerous members of staff or numerous letters, emails or other messages to one person or writing lengthy, complex letters every few days and expecting immediate and comprehensive responses;

• submitting repeated issues or service complaints, after the complaints process has been exhausted. These may include additions or variations to the original service complaint which the person insists makes the complaint worthy of being put through the full complaints process again. Such behaviour will not result in the acceptance of a new complaint;

• refusing to accept an outcome of a complaint once the Council has concluded its investigation. This may include repeatedly arguing the point and complaining about the decision and not accepting the further escalation routes open.

• insisting that a complaint should be dealt with in ways which are incompatible with standard procedure or good practice; or

• refusing to accept documented evidence as factual.

Reporting Concerns

What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)
If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the Clerk/or a Councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

What you should do if you feel you are being bullied or harassed by a Councillor: If you are being bullied or harassed by a Councillor, please raise this with the Clerk/Chief Officer or the Chair of the Council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

The Council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

What you should do if you witness an incident you believe to harassment or bullying: If you witness such behaviour you should report the incident in confidence to the Clerk/Chief Officer or a Councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you are being bullied or harassed by another member of staff: If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

Informal resolution

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the Council's policy and must stop. Alternatively, you may wish to ask the Clerk/Chief Officer, your nominated manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you should raise the issue with the Chair of the Council. (If your concern relates to the Chair, you should raise it with the Chair of the personnel/staffing committee). The Chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the Council staff
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The Chair (or another appropriate person) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the Council's grievance procedure. You should raise your complaint to the Clerk/Chief Officer or the Chair of the Council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The Clerk/Chief Officer or the Chair of the Council will appoint someone to investigate your complaint in line with the grievance policy. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred,
- The names of any witnesses and
- Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The Council will consider any adjustments to support you in your work and to manage the relationship with the Councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

The Council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to understand better your compliant (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the grievance procedure.

The use of the Disciplinary Procedure

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

Unreasonably persistent and unacceptable behaviour – Process and Practice

Kirton in Lindsey Town Council operates a zero tolerance approach to unreasonable behaviour and will protect its staff, Councillors, contractors and others who come into contact with us in the course of our work from such behaviour.

If anyone behaves in an unreasonable way, the Council will follow this policy to manage such behaviour and to control or limit the contact. In some circumstances, we may have to consider placing restrictions on how and whether a customer may contact us.

If unreasonable behaviour occurs during a telephone conversation, we will explain to the caller why their behaviour is unacceptable. The caller will be given the opportunity to stop the unacceptable behaviour. If the unacceptable behaviour continues, we will inform the caller that we are ending the telephone call and will record the reason for the termination.

If unreasonable behaviour is displayed in written correspondence, we will respond in writing addressing the query or complaint in full, whilst also stating that the correspondence received is unacceptable and ask the person to refrain from this behaviour in future correspondence. A note will be made of the unreasonable behaviour and that the person has been asked to refrain from displaying this behaviour in future correspondence.

Following unreasonable behaviour (which may be either repeated behaviour or a one-off instance, and considered on a case-by-case basis) we will contact the customer either by phone, in writing or by email to explain why this behaviour is causing concern, and ask them to change this behaviour. The warning will contain:

- details of when the incident occurred;
- the reasons why we consider the behaviour to be unreasonably persistent or unacceptable;
- an explanation of the effect this behaviour is having on the Council; and
- what could happen should the behaviour continue.

We may also send a copy of this policy.

If the disruptive behaviour continues, we may issue a reminder letter. This would advise that, if they continue to act unreasonably, their future contact with the Town Council will be restricted.

Where the behaviour is particularly serious, the Town Council may decide at its sole discretion that this policy and any sanctions herein should be applied without prior warning. In that event, we will write directly to the customer explaining the reasons for this.

There is a range of ways that the we can restrict access, and the action applied depends on the nature of the behaviour.

These include, but are not limited to:

• restricting contact to one method (eg letters only), or named people, or particular times of day;
• accepting contact through a third party only;

• only acknowledging further correspondence where new and pertinent information is presented which has not been previously considered;
• refusing to accept further telephone calls;
• restricting the issues we will correspond on; and
• requesting the person to enter into an agreement about their future conduct.

Any action we take will be reasonable and proportionate. It will balance the interests of the person with the duty to protect the health, safety and wellbeing of our staff, Councillors, contractors and others who come into contact with us in the course of our work.

When Kirton in Lindsey Town Council applies this policy, we will write to the person setting out:
• the reasons why we believe their behaviour to be unreasonably persistent or unacceptable;
• what action we have decided to take in response to this behaviour; and
• how and when we will review any decision to restrict access to us and to what subject matter this will apply.

Where anyone continues to behave in such a way which is unreasonably persistent or unacceptable, we may decide to continue to restrict access to the Town Council for the purpose of pursuing a previous complaint.
Where a customer has changed their behaviour to the extent that the Town Council does not believe that the policy should still apply, we will amend or remove the contact restrictions.

A customer can appeal a decision to implement this policy by asking the Town Council to review the original decision to implement contact restrictions.

In some cases, relations between the Town Council and someone who is being unreasonable may break down completely while queries or complaints are still under review and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following some or all the stages of the complaints policy.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, Councillors, contractors and others who come into contact with us in the course of our work, the Town Council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the customer prior warning of that action.

We will treat new contact from those who have been dealt with previously under this policy on their own merits.

This is a non-contractual policy and procedure which will be reviewed from time to time.

GUIDANCE FOR USING THE DIGNITY AT WORK POLICY

This is an example of an employment policy designed for a Council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This guidance is provided to support understanding of the policy, and its application, as well as where local adaptions may be required. The guidance is not part of the policy and should be removed from the policy adopted and shared with Council employees.

The Dignity at Work Policy will replace a previous 'Bullying and Harassment' Policy, to create a policy that is focussed on encompassing behaviours beyond simply bullying and harassment, and zero tolerance with the aim of dealing with concerns before they escalate. It is important that any commitment made in the policy is applied in practice.

Wording has been suggested to demonstrate a Council's commitment to promoting dignity and respect where they have signed up to the NALC, SLCC and OVW Civility and Respect Pledge. Council's that have not signed up to this are requested to consider making this pledge which is based on basic behaviours and expectations of all Council representatives to create workplaces that allow people to maintain their dignity at all times. If your Council has not agreed to the pledge this wording should be removed.

The policy is drafted with consideration of employment language and terminology that is reflective of a modern working environment, setting a tone that is engaging, collaborative and inclusive. A Council may want to update references where relevant to reflect local terminology and structure, however should be considerate of equality, diversity and inclusion.

The examples of bullying and harassment are just that – examples. This should not be considered an exhaustive list.

Notes:

Protected Characteristics

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

Discrimination includes treating people differently because of a protected characteristic. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

Examples of harassment related to a protected characteristic could include;

- Making assumptions about someone's ability due to their **age**, or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
- Making fun or mimicking impairments related to a health condition, or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a **disability** to participate in.
- Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of **gender reassignment**.
- **Pregnancy/Maternity** harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant persons stomach.
- Harassment based on **race** could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone's lifestyle based on their ethnicity.
- **Gender** harassment could include not considering people for a job based on gender stereotyping roles, or implementing practices that disadvantage one gender over another. Rude, explicit jokes, even if not directed at an individual, or comments on individuals dress or appearance.
- Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on **religion/belief.**
- Excluding same sex partners from social events could be both **sexual orientation** and **marriage/civil partnership** discrimination, as could not offering the same work-related benefits.

A person does not need to be employed or have 2 years qualifying service to make a discrimination claim at a tribunal.

- Job applicants who believe they have not been appointed because of a 'protected characteristic' can make a claim.
- New or established employees who are dismissed, or treated unreasonably because of a health condition can make a discrimination claim.
- An employee subjected to harassment can make a discrimination claim at a tribunal.
- An employee asked to retire can make a discrimination claim at a tribunal

Legal risks

Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.

A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.

The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

Culture and behaviour

We work in eclectic communities and working environments, and a positive culture within the Council enables employees with different backgrounds and beliefs to share ideas and shape how the Council achieves its objectives for their community.

It is important to recognise that different individuals may find different behaviours bullying or harassing so while there is not always intent to offend or cause harm, that does not mean that the effect of the behaviour has not caused harm or offence.

It can take people a period of time to decide to raise their concerns, as they worry about consequences (perhaps from peers by complaining about a colleague who is popular, or they fear victimisation from the perpetrator or others). The Council should consider whether there are opportunities (such as 121s to offer opportunity to reflect on relationships/morale) to identify issues earlier and address negative behaviours. Individuals can often mention concerns they are experiencing but not want to take it further. The Council should remind the complainant that it has a zero tolerance to bullying and harassment and remind them of the policy in place to address concerns. If the allegations mentioned are significant, the Council may want to suggest that it will need to investigate further, even if a 'grievance' is not raised, so as to ensure that any concerns and risks are managed, and the Council is meeting its responsibilities and duty of care as an employer.

Whilst both staff and Councillors jointly determine the working culture, Councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how Councillors behave with each other in Council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.

Scope

All Council representatives are expected to uphold the values of the Dignity at Work Policy, however this policy sets out how allegations from employees will be managed. As indicated in the policy, concerns from a contractor, agency worker etc. should be raised to the identified person, and an appropriate approach will be considered based on the situation and relationship of the complainant with the Council.

Likewise, concerns raised about the behaviour of a contractor or agency worker would not generally be managed via the full process (such as the disciplinary process) but appropriate action would be considered based on the situation. To treat people (such as contractors, or a casual worker) engaged by the Council the same as an employee could blur the status of the employment relationship, so consider seeking professional advice if needed.

Managers

Recognising that Councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the Clerk/Chief Officer, another employee of the Council, or a Councillor depending on the situation. It is good practice to have a clearly identified person who is the responsible 'line manager' or equivalent contact for an employee so that there is clarity on how the employee should report concerns to, who they notify if they are sick or to request leave etc. More often for Council employees this may be the Clerk/Chief Officer, and for the Clerk/Chief Officer this could be the Chair/deputy Chair, or possibly Chair of a staffing/personnel committee.

Bullying and harassment & performance management

The policy sets out that bullying and harassment does not include appropriate criticism of an employee's behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

Responsibilities

All staff and representatives of the Council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – Councillors, Clerks, Chief Officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

During the investigation

Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.

Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. This could be a Councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.

Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it is important to consider their wellbeing and mental health.

Ensure that you communicate regularly with both parties.

The investigation and any subsequent hearing should be completed in accordance with the grievance policy which sets out a process for dealing with concerns. You should ensure that the grievance policy adopted adheres to any local policies and procedures, with consideration of any timescales and escalation routes in your locally adopted policy.

Confidentiality

It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small Council it is likely that it will be clear that the accused will know where the accusation has come from. The Council representative (Clerk/Chief Officer/Councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a Council to consider an anonymous complaint, however if the concerns are significant and compromise the Council in their duty of care to employees, then consideration of how the deal with the matter may be required.

Victimisation

All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelling a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

False allegations

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the Council should consider the matter under the disciplinary procedure. Such an allegation would potentially be gross misconduct.

Complaints against Councillors

Following the Ledbury case, the law is clear that any formal complaint about a Councillor regarding a breach of the code of conduct must be referred to the Monitoring Officer for investigation (either by the complainant, or the Council with agreement of the complainant). During the investigation, it is critical to ensure that where an employee of the Council has made the complaint, that the Council agrees reasonable measures with the employee to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person about whom the complaint has been made etc.

Careful consideration is required where a grievance is raised against the Council as a whole due to lack of support related to Councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the Council, or require exploration of the Councillors behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any Councillors where this may relate to the code of conduct. It is a matter of fact whether the complaint is against the Council and can therefore be dealt with by

the Council's grievance procedure or against a Councillor and can only be dealt with by the Monitoring Officer.

Signed…….. Town Mayor

Date……..

Signed…….. Town Clerk

Date……..