



MARCHWOOD PARISH COUNCIL

HARASSMENT, BULLYING, ABUSE, INTIMIDATION & WHISTLEBLOWING POLICY & PROCEDURE

1. Introduction

- 1.1 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.
- 1.2 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.
- 1.3 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 lives by interfering with their job performance or by creating a stressful, intimidating and unpleasant working environment.

2. Policy

- 2.1 The council deplors 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.
- 2.2 The council has published these procedures 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 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).

3. **Examples of harassment, bullying & intimidation**

3.1 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

4. **Abusive, threatening or intimidating or insulting words or behaviour. Complaining about personal harassment**

4.1 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 the Clerk or Deputy Clerk, 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 the Clerk, who will assist you in the matter.

4.2 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 Clerk as a formal written complaint. 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.

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

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.

6. Whistleblowing

'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 company isn't obeying the law (like not having the right insurance)
- covering up wrongdoing

6.1 How to 'blow the whistle'

The way a worker can 'blow the whistle' on wrongdoing depends on whether they feel they can tell their employer.

- The worker should check their employment contract or ask human resources or personnel if their company has a whistleblowing procedure.
- If they feel they can, they should contact their employer about the issue they want to report.
- If they 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

6.2 Dismissals and whistleblowing

A worker 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

These are called 'qualifying disclosures'. They include when someone reports:

- that someone's health and safety is in danger
- damage to the environment
- a criminal offence

- that the company isn't obeying the law (like not having the right insurance)
- that someone's covering up wrongdoing

6.3 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.

6.4 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

6.5 Who isn't protected

Workers aren't protected from dismissal if:

- they break the law when they report something, eg they signed the Official Secrets Act
- they found out about the wrongdoing when someone wanted legal advice ('legal professional privilege'), eg 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'.

6.6 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.

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

Approved and adopted 27th April 2015.