

## **BULLYING AND HARASSMENT POLICY**

### **1. RECOMMENDATIONS**

- 1.1 HR Committee support the implementation of the proposed bullying and harassment policy as set out in the report and appendices.

### **2. INTRODUCTION**

- 2.1 The bullying and harassment policy was historically within the grievance procedure.
- 2.2 The aim of the updated policy is to improve clarity on the Councils continued support, prevention, and procedure for managing these issues.

### **3. WORKER PROTECTION (AMENDMENT OF THE EQUALITY ACT 2010) BILL**

- 3.1 The Equality Act 2010 already makes employers liable for discrimination, harassment or victimisation committed by an employee during their employment. Employers are required to take reasonable steps to prevent discriminatory actions.
- 3.2 The Worker Protection (Amendment of Equality Act 2010) Bill provides a positive duty on employers to take reasonable steps to prevent sexual harassment of their employees in the course of their employment.
- 3.3 Following amendments to the bill, it will no longer introduce employer liability for third party harassment of employees.
- 3.4 The Private Members Bill was passed on 20 October 2023 and received Royal Assent on 26<sup>th</sup> October 2023. The implementation date is to be confirmed, but it will likely come into the force in the following 12 months.
- 3.5 The Private Members Bill made it a sensible time to review the Councils current policy to ensure continued compliance.

### **4. BULLYING AND HARASSMENT POLICY**

- 4.1 The updated policy (**Appendix 1**) clarifies:
- i. The councils continued commitment to a zero tolerance approach to instances of bullying and harassment.
  - ii. Employee and management behaviour expectations, including expected actions should poor behaviour be witnessed.
  - iii. Definitions of bullying and harassment and examples, including sexual harassment.
  - iv. Sets out a clear informal and formal procedure to resolve issues.
  - v. Sets out support for all involved.
- 4.2 The policy does set out how third-party complaints would be dealt with, including Elected Members. It was felt this was important for our Organisation.

4.3 It is proposed this policy is approved by EMT on 14 November and shared with Employee Side Liaison Panel (7 December 2023) and HR Committee (11 January 2024) for their endorsement.

## **5. IMPLEMENTATION**

5.1 It is important the Council continues to take reasonable steps to support thorough implementation of the updated policy across our workforce. It is proposed this is actioned by:

- i. Mandatory Dignity and Respect at Work training to be completed every two years. Our Learning Management System has an employee and line manager version to make the training role relevant.
- ii. All employees will be prompted to read the bullying and harassment policy after completing the Dignity and Respect at Work e-learning. The LMS will record their e-signing of reading and understanding the policy.
- iii. Senior Managers who are asked to investigate formal complaints under the policy will continue to be supported by the HR Team throughout the investigation.
- iv. The policy will be reviewed by the HR Team every two years, including outcomes of formal and informal complaints to ensure they are dealt with effectively and consistently.

5.2 The Learning Management System provides a series of 'core' and 'in practice' modules through the Equality, Diversity and Inclusion collection. The aim of the core modules are to explore the wider topics and in practice lessons address specific topics from the core module.

5.3 There is a 'Sexual Harassment' and a 'Bullying and Harassment' in practice lesson. We could ask the workforce to complete all three eLearning, which would ensure full learning around each area. However, there will be significant cross over across all three modules. The Council needs to consider if this is proportionate and therefore it is recommended at initial implementation the in-practice lessons remain voluntary. This can be reviewed as the LMS becomes embedded across the workforce.

5.4 It's recognised these are sensitive and emotive issues for employees. The policy needs to balance support and guidance with a clear line on expectations, therefore the Communications Team will provide valuable support as it is published. The aim of communications will be to convey our people focussed organisation, the aims of the policy and where to find it in a modern, accessible way that is less formal than the policy itself.

5.5 As part of the launch, the HR Advisory Team will compose and deliver a HR 'brief bite' training session to managers on the policy. The HR Advisory Team will also host drop-in sessions in the Workplace Café and at Marsh Lane Depot to answer questions and give guidance on the policy and its aims. These will be aimed at both employees and managers.

## **6. CONCLUSIONS**

6.1 The updated policy will meet the Worker Protection Bill and continue to support our workforce culture and zero tolerance approach to bullying and harassment.

## **7. FINANCIAL IMPLICATIONS**

7.1 None.

## **8. CRIME & DISORDER IMPLICATIONS**

8.1 None.

## **9. ENVIRONMENTAL IMPLICATIONS**

9.1 None.

## **10. EQUALITY & DIVERSITY IMPLICATIONS**

10.1 The nature of this policy ensures continued compliance with the Equality Act 2010. The implementation has been carefully considered to ensure the entire workforce is aware of the support available through the policy.

## **11. DATA PROTECTION IMPLICATIONS**

11.1 All complaints will be dealt with confidentially and set out in the policy.

## **12. EMT COMMENTS**

12.1 EMT support the adoption of the policy in consultation with Employee Side Liaison Panel. The policy will also be shared with the Councils Equality, Diversity, and Inclusion staff group for their comments.

## **13. EMPLOYEE SIDE COMMENTS**

13.1 The following comments were received from Unison:

3. Maternity missing from the list of protected characteristics – although it is mentioned in sentence below – is this deliberate? Marriage/civil partnership is listed, but maternity is not?

Not sure it is helpful to leave it out of the list of protected characteristics, even if it is outside of the legal description. The policy then goes on to give an example that is linked to maternity, so this may be somewhat confusing for managers using the policy?

**We have added pregnancy and maternity to the list of protected characteristics.**

4.1 – 3 months less one day is the legal deadline for ET claims. Suggest that the policy states '*as soon as possible, and ideally within 3 months*'.

Hypothetically, whilst any later than this would be out of time for a legal claim, UNISON's view is that the employer should still hear such complaints after 3 months. Can this be addressed in this section?

**This wording has been added and to ensure all parties understand the rationale:**

**“This timescale supports all parties involved to recall and resolve issues as soon as is practical”.**

4.3: A member of the HR Advisory Team will meet with you.

*Add You have the right to be accompanied by a trade union rep or colleague.*

**The purpose of this initial meeting with the HR Team is informal and aims to clarify the nature of the complaint. The purpose is not to decide on any action or resolve the complaint. There is no right to formal representation at this meeting under our current policy.**

5. Support available

*Add If you are a member of a trade union, you can also contact them for support and advice.*

**This wording has been added to the policy.**

## **14. EQUALITY, DIVERSITY AND INCLUSION STAFF GROUP COMMENTS**

14.1 The following comments were received from members of the staff group:

2.2 – is ‘our people’ a statement that is used in other policies? Would ‘our employees’ be better? Should the Whistleblowing policy be mentioned?

**We note your suggestion, our people will remain in the policy wording because the policy also covers recruitment candidates and third parties.**

**The Whistleblowing policy is available to employees on the intranet and its aim is to prevent, deter, detect and investigate all forms of fraud, corruption, malpractice and unethical conduct. The Bullying and Harassment policy is dedicated to preventing and resolving these specific issues, and therefore it is felt not required to signpost to the Whistleblowing policy because this could confuse employees.**

2.3 What we Expect from line managers – suggest constructive feedback vs constructive criticism.

**The policy has been updated to this effect.**

4.2 – refers to a recommended facilitated discussion between ‘both of you’. May be more than one person doing the bullying - could say all parties involved

**The policy has been updated to this effect.**

4.3 - would it be worthwhile to suggest an example of who the investigator might be? Is this the senior manager band 10 or above as detailed later in the document?

**The policy has been updated to this effect.**

5. Support – should we detail the contact numbers for the helpline?

**The policy has been updated to this effect.**

6.1 Consequences of breaching this policy

What if you falsely claim that someone is bullying you – should that person face disciplinary action

**Complaints will be investigated and taken seriously. Any false claims will be dealt with appropriately.**

“How to conduct formal investigations”, in the list, I think it should be stated that the witness’ statement can be included within a formal report to be read by the alleged

bully/harasser. I know this is detailed further elsewhere, but I'm just thinking if someone uses that list as a quick summary before conducting meetings, that detail should be made clear to any witness.

**This has been updated to signpost readers to how witness statements are used:**

**Please refer to section 6 to explain how witness statements are used in the investigation process.**

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**Background Papers:**

None