

<b>Committee</b>  <b>Establishment Committee</b>	<b>Date:</b>  17/09/2020
<b>Subject:</b> Bullying and Harassment Procedure	<b>Non-Public</b>
<b>Report of:</b> Director of Human Resources	<b>For Decision</b>
<b>Report author:</b> Tracey Jansen	

## **NOT FOR PUBLICATION**

<p>This report is exempt by virtue of the paragraph 4 of Part 1 of Schedule 12A of the Local Government Act 1972. Specifically, the report contains sensitive information which may be exempted under the Act, and as this cannot be presented to Members as a separate appendix this report needs to be considered in closed session. It is considered that information falling under the following paragraphs outweighs the public interest in disclosing information:</p>	<p>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>
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### **Summary**

In this section, please state the purpose of the report and summarise all the key information relating to the recommendation(s). It should be possible for Members to read the summary and understand the issue without reading the main body of the report.

The summary should be concise – ideally no more than 1-2 paragraphs if the matter is straightforward and no more than 1-2 pages if the matter is more complex.

### **Recommendation(s)**

Members are asked to:

- Delegate authority to the Town Clerk, in consultation with the Chairman and Deputy Chairman, to approve the Bullying and Harassment Procedure at Appendix 1, subject to reviewing responses made to the wider stakeholder and formal trade union consultation.

### **Main Report**

## Background

1. A Bullying and Harassment procedure has been drafted in response to:
  - feedback from Stonewall's Workplace Equality Index calling for an explicit ban on discrimination bullying and harassment based on protected characteristics;
  - becoming signatories of the Business in the Community Race at Work Charter; and
  - discussions at the Black Asian and Minority Ethnic (BAME) Staff Network in response to the 'Black Lives Matters movement', where staff have identified that it is difficult to know how to raise matters of bullying and harassment in relation to discrimination in the workplace.
2. To address these commitments and concerns, a number of changes have already been made to the intranet to signpost staff to our Equality and Inclusion resources and in particular how to raise matters of bullying and harassment through the grievance procedure. A separate Bullying and Harassment Procedure has been drafted and consultation is taking place with the staff networks and other stakeholders in advance of formal consultation with the recognised trade unions.
3. A separate initiative to introduce a Confidential Advisors Scheme is also being developed. This will supplement, one of the purposes of the Staff Networks is to create a safe and confidential space for staff at all levels to share experiences and best practice.
4. Our Managing People Policy is the overarching Policy which:
  - provides clarity about how the behaviour, actions, performance or attendance of employees that falls short of that expected by the City Corporation will be dealt with.
  - provides an informal and formal mechanism for employees to raise grievances about their working environment, conditions or treatment at work. details the formal procedures to be followed where informal action has not resulted in the required standard being sustained on a consistent basis and/or informal action is not appropriate in the circumstances.
  - fosters a working environment that is appropriate
  - resolve minor issues in an informal setting
  - gives employees the confidence to raise concerns and grievances without fear of reprisal
  - supports and encourages improvement
  - enables employees to learn from mistake and experience
  - takes into consideration the working relationship with colleagues, stakeholders and customers and their needs and expectations
5. The aim of the Policy to provide a fair and consistent approach to the way employee grievances and matters of poor standards of behaviour, conduct, performance, capability and attendance will be dealt with; deal with such

matters swiftly and at the lowest level within the procedure as is appropriate in the circumstances; follow good management practice and ACAS Code of Practice on Disciplinary and Grievance Procedures in the handling of such matters.

6. The specific procedures to which this policy applies relate disciplinary, grievance capability sickness absence management and probation.
7. Matters of Bullying and Harassment can be raised by staff as a grievance and will be dealt with in accordance with the above principles

## **Current Position**

8. The draft Bullying and Harassment Procedure attached as appendix 1, if approved, will be added to suite of procedures that sit under the Managing People Policy. The new draft procedure whilst based on the current grievance procedure provides more detailed guidance and definitions and examples of unacceptable behaviour in relation to bullying and harassment.
9. The new procedure will ensure that such matters are correctly identified as bullying or harassment and taken seriously working within the principles of securing resolution swiftly and at the lowest level possible within the procedure possible. At the same time, the procedure is clear about matters which are more appropriately dealt with as disciplinary matters.
10. Separate guidance for employees and managers is being drafted to sit alongside the procedure. Dealing with and addressing bullying and harassment will also be reinforced in our training offering.

## **Options**

11. To retain the current arrangement of raising matters of bullying and harassment using the current grievance procedure.
12. To introduce a specific Bullying and Harassment Procedure with associated guidance and training

## **Proposals**

13. Whilst there is already a facility to raise matters of bullying and harassment in the workplace under the grievance procedure following ACAS guidelines, this is clearly an important matter of concern raised through the BAME network and endorsed by the Tackling Racism Taskforce. Bullying and harassment is

a complex area and clarity and guidance on how such matters can be raised and should be addressed is in the best interest of all staff.

## **Corporate & Strategic Implications**

14. The introduction of a bespoke bullying and harassment policy complements the wider equality and inclusion agenda and action plan. It also addresses the corporate plan aim to contribute to a flourishing society where people are safe and feel safe; enjoy good health and wellbeing and have equal opportunities to enrich their lives and reach their full potential.

## **Implications**

15. Harassment in relation to a protected characteristic is unlawful under the Equality Act 2010. Employers are responsible for preventing bullying and harassment and are liable for harassment suffered by their employees. In addition to complaints of unlawful harassment, there is a risk of breach of contract claims and personal injury claims arising from acts of bullying and harassment and the failure to manage complaints effectively by the employer.
16. Failure to address bullying and harassment concerns in a timely and appropriate fashion also impacts on employee wellbeing and the ability to function effectively at work

## **Conclusion**

17. The draft Bullying and Harassment Policy attached as appendix 1 is recommended for endorsement by the Committee. It aligns with our Managing People Policy principles and associated procedures whilst at the same time identifying the specific and often complex matters of bullying and harassment to ensure that such matters are recognised and addressed appropriately and swiftly.

## **Appendices**

- Appendix 1 – Draft Bullying and Harassment Procedure

**Tracey Jansen**

Assistant Director of Human Resources