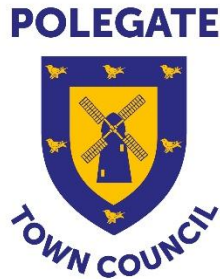


Polegate Town Council



BULLYING AND HARASSMENT (EXTERNAL) POLICY

Policy Number 22		
Issue No.	Date completed	Details of amendments
1	25.11.13	Adopted at Full Council
2	25.02.16	Adopted at Annual Stat Meeting
3	11.03.16	Approved by Finance & Policy Committee
4	23.05.16	Adopted at Annual Stat Meeting
5	22.05.17	Adopted at Annual Stat Meeting
6	21.05.18	Adopted at Annual Stat Meeting
7	20.05.19	Adopted at Annual Stat Meeting
8	05.05.21	Adopted at Annual Stat Meeting
9	16.05.22	Adopted at Annual Stat Meeting
10	22.05.23	Adopted at Annual Stat Meeting
11	20.05.24	Adopted at Annual Stat Meeting
12	19.05.25	Adopted at Annual Stat Meeting

13	11.05.26	Adopted at Annual Stat Meeting
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1. Purpose

- 1.1 In support of its value to respect others, Polegate Town Council will not tolerate the bullying or harassment of any member of staff by any member of the public, visitor to the council, or any other person having contact with the Council's staff. This policy outline the specific procedures available to all employees to protect them from bullying and harassment.
- 1.2 The Council will issue this policy to all employees as part of their induction and to all members as part of their welcome pack. The Council may also wish to draw the public's attention to this policy via the Data Transparency pages of the Council's website. <https://polegatetowncouncil.gov.uk/council/data-transparency/>

2. Definitions

2.1 Bullying

Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting, or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.

2.2 Harassment

Harassment may be characterised as unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment. This usually covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability, or age.

Bullying and harassment are behaviours that are unwanted by the recipient. They are generally evidence by a pattern or course of conduct, rather than being 'one off' incidents.

3. Legal position

- 3.1 The Council has a duty of care towards its staff under Common Law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. If an employer fails to act reasonably regarding this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal.
- 3.2 In addition, the Criminal Justice and Public Order Act 1994 and the Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/ or prison sentence, and a right to damages for the victim. An individual causing harassment may be personally liable to pay

damages if a victim complains to an Employment Tribunal on the grounds of discrimination.

3.3 The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes; for instance, employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that the damages for personal injury and distress can be awarded under the Act

4. Process for dealing with bullying and harassment

4.1 You may experience bullying and harassment by members of the public. This behaviours can be either verbal, for example:

- Via the telephone
- Face to face with the member(s) of the public
- Written correspondence, letters etc. or
- Email or cyberstalking

Or physical, for example:

- Assaults or violence towards you, or the threat of assault or violence towards you
- Damage to your property (e.g., Car)
- Inappropriate sexual behaviour

4.2 In the first instance all suspected incidents of bullying or harassment must be reported to the Town Clerk and comprehensive notes should be made.

These notes include:

- Date,
- Time,
- Content, and
- If possible, the person's name and the name of any witnesses to the incident

4.3 If it is possible that the incident was caught on CCTV in or around the Town Hall, ask for the system to be checked and any relevant footage saved. Where the bullying is done by email, do not respond to the emails and keep the emails as evidence.

4.4 The Town Clerk will speak to the complainant and examine any notes made, and from this will determine, in agreement with the complainant, whether the incident is severe enough to report to the policy. In cases of doubt the Town Clerk should consult the Police. All incidents involving physical assaults or violence will be reported to the Police.

4.5 All such incidents will be reported to the Council for appropriate action including reporting to the Police if appropriate.

5. Sanctions

5.1 Where it is proven beyond all reasonable doubt to the Council that a member of the public has bullied or harassed a member of staff, the Council reserves the right to impose sanctions against that person(s), including:

- Blocking their email address and not accepting further emails
- Reporting the incidents to the sender's Internet Provider service
- Banning the person(s) from the Town Hall, or other Council owned buildings or facilities.

Statement prepared for adoption by Polegate Town Council at its meeting on 11.05.26

Signed by

Mayor of Polegate

Town Clerk/Proper Office/RFO