

Dignity at Work Policy

Honeybourne Parish 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

Honeybourne Parish 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.

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.

Preventing Harassment

The Council recognises that, as an employer, it has a duty to take all reasonable steps to prevent harassment of its employees, including harassment by third parties such as members of the public, contractors, suppliers and visitors. This is a proactive duty: the Council will not simply respond to complaints after they arise, but will take practical steps in advance to reduce the risk of harassment occurring, including:

- ensuring this policy and the Council's expectations of behaviour are clearly communicated to councillors, contractors and members of the public who interact with Council staff;
- providing appropriate guidance or training to staff and councillors on recognising and responding to harassment;
- keeping working arrangements and public-facing duties under review where they may expose staff to a heightened risk of harassment from third parties; and
- taking prompt and proportionate action in response to any concerns raised, whether formally or informally.

The Council will review this approach periodically and as legislation and guidance in this area develop.

Scope

This policy covers bullying and harassment of and by the Clerk and all employees engaged to work at Honeybourne Parish Council. This policy also covers the conduct of councillors, contractors, agency staff and members of the public towards employees of the Council, and the conduct of employees towards them. Councillor-to-councillor conduct, and the conduct of councillors towards members of the public, is addressed

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separately under the Council's Code of Conduct, which is investigated and determined by the Monitoring Officer of Wychavon District Council, not by this policy.

Should agency staff or contractors have a complaint connected to their engagement with Honeybourne Parish 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 staffing committee, excluding the Chair if they sit on that committee.

Agency staff and 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 reasonable grounds to suspect 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. employee, contractor, councillor). Where allegations relate to a councillor's conduct towards an employee, the matter will be considered under this policy in the first instance, but a complaint that the councillor has breached the Council's Code of Conduct must be referred to the Monitoring Officer. In line with sector best practice, such a referral should normally be made by the Chair or by the Council itself, rather than by the employee, except in exceptional circumstances. The Council will take appropriate action where any of its employees are bullied or harassed by other employees, councillors, members of the public, suppliers or contractors.

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. Honeybourne Parish 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, Equality and Diversity 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 for employees. 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 made by an employee are found to be malicious or vexatious, the person raising the complaint may be subject to action under the Council's disciplinary procedure for employees, or, where the person raising the complaint is a councillor, referral to the Monitoring Officer under the Code of Conduct.

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.

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Harassment

- Where a person is subject to uninvited conduct that violates their dignity, in connection with a protected characteristic.
- Behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic.

Bullying

- Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.

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.

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.

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It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable, and behaviour could be harassment even where 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 follows a particular religion, even if they do 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 and Diversity 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.

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. Where the person who has victimised a complainant is an employee, this may include action under the Council's disciplinary procedure; where the person is a councillor, this may include referral to the Monitoring Officer under the Code of Conduct.

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, where you are an employee.

Reporting Concerns

If you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague):

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.

If you feel 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 process is described below. Formal concerns regarding potential breaches of the Councillors' Code of Conduct must be referred to the Monitoring Officer for investigation; in line with sector best practice, this referral should normally be made by the Chair or by the Council, rather than by the employee directly, except in exceptional circumstances such as the Chair being unable or unwilling to act.

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, or not attending meetings with the person about whom the complaint has been made.

If you witness an incident you believe to be harassment or bullying:

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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.

If you are being bullied or harassed by another member of staff:

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 raise 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 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 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 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 an extremely serious allegation, or 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. Where the complaint concerns an employee, it may ultimately lead to disciplinary action against them.

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.
- Any action taken by you to resolve the matter informally.

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The alleged perpetrator(s) would normally need to be told your name and the details of your complaint 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 referred to the Monitoring Officer for investigation, in accordance with the referral approach set out above. The Council will consider any adjustments needed to support you in your work and to manage the relationship with the councillor the allegations relate to, while that 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 Council's 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 your complaint better (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a sub-committee of three members, appointed in accordance with the Council's grievance policy, will meet with you to consider the complaint and the findings of the investigation. 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 described in the grievance procedure, including the time limit for submitting an appeal set out there.

The Use of the Disciplinary Procedure

Where the person against whom a complaint is made is an employee, and 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. Where the person against whom a complaint is made is a councillor, the matter will instead be referred to the Monitoring Officer under the Council's Code of Conduct, as set out above; the Council's disciplinary procedure does not apply to councillors.

This is a non-contractual policy and procedure which will be reviewed periodically by the Council.
