



# **Bullying and Harassment Complaints Procedure**

## **Ilfracombe Town Council**

### **1 Advice**

Ilfracombe Town Council recognises the sensitive nature of bullying and harassment. Employees who believe they are being bullied or harassed may wish to discuss their situation before deciding what action to take. Ilfracombe Town Council operates an open door policy to discuss workplace problems and employees can discuss the matter with their line manager on an informal basis.

Ilfracombe Town Council recognises that this may not always be appropriate in the circumstances, however. If this is the case, employees can discuss the situation with the next higher level of management or with the Town Clerk.

Line managers will:

- Ensure the conversation remains confidential as far as possible
- Listen sympathetically
- Help individuals consider objectively what has happened
- Discuss what outcome the individual would wish to see
- Draw attention to available procedures and options
- Inform the individual of the legal liabilities involved
- Help weigh up the alternatives, but without pressure to adopt a particular course
- Assist the individual in dealing with the situation, if they ask for help.

Confidentiality will be maintained as far as possible. If an employee decides not to take any action to deal with the problem and the circumstances described are very serious, however, Ilfracombe Town Council reserves the right to investigate the situation. It has an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged harasser's/bully's behaviour.

### **2 Solutions**

It is for the individual to decide which route to take in solving any problem that has occurred. There are two types of solution available – informal and formal.

### **3 Informal**

Employees can choose to solve the matter themselves by approaching the harasser or bully, telling him or her that their behaviour is unwelcome and that it must stop. Otherwise a formal complaint will be made using the procedure outlined below.

If victims would find it difficult or embarrassing to raise the issue directly with the person creating the problem, support can be sought from a work colleague or a union representative who can support the victim when speaking to the harasser or bully.

A third option, is that the victim can put his or her views in writing to the harasser or bully, telling him or her that their behaviour is unacceptable and that it must stop.

## **4 Formal**

Where informal solutions fail, or serious harassment or bullying occurs, employees can bring a formal complaint in the form of a grievance, with the procedure adapted to take account of the sensitivities of such situations. Each step and action under the formal complaints procedure will be taken without unreasonable delay.

Complaints will be investigated swiftly and confidentially while ensuring that the rights of both the alleged victim and the alleged harasser or bully are protected. Employees and witnesses can be assured that they will not be ridiculed or victimised for making, or assisting a colleague in making, a complaint, even if it is not upheld, as long as it is made in good faith. Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality – a failure to do so will be a disciplinary matter. The procedure is as follows:

### **Step 1: Lodging a statement of grievance and conducting an investigation:**

- The complaint should be put in writing, outlining alleged incidents, when they occurred, the harm caused, the names of any witnesses and the name of the alleged harasser or bully
- If the victim would find it distressing to set out their complaint in writing then he or she should contact the Town Clerk who will provide assistance
- The written complaint should initially be lodged with the employee's line manager. If this would not be appropriate in the circumstances, it should be lodged with the Chair of the Staffing Committee
- A Staffing sub-committee will be appointed and will conduct investigatory interviews with the complainant, the individual against whom the complaint has been lodged and any relevant witnesses. The right to accompaniment will be provided to all those interviewed
- The sub-committee will submit a full report to the Chair of the Staffing Committee.

### **Step 2: Grievance meeting:**

- The employee will be invited to a meeting with the sub-committee to discuss the grievance and the result of the investigation
- The employee will be provided with the right to accompaniment
- The timing and location of the meeting must be reasonable
- The meeting will not take place until the Staffing sub-committee has had reasonable opportunity to consider the information contained in the employee's grievance letter and the investigation report
- The employee must take all reasonable steps to attend the meeting
- The meeting must be conducted in a manner that enables the employee to explain his or her case and the Staffing sub-committee to set out the results of the investigation
- After the meeting the employee will be informed of the decision as to the grievance and notify the employee of the right to appeal against that decision if the employee is not satisfied with it.

### **Step 3: Hearing the appeal:**

- If the employee wishes to appeal, he or she must inform the Mayor or Deputy Mayor
- The employee will be invited to attend a further meeting
- The employee will be provided with the right to accompaniment
- The timing and location of the meeting will be reasonable
- The employee must take all reasonable steps to attend the meeting

- The meeting will be conducted in a manner that enables both sides to explain their cases
- After the appeal meeting, the Mayor will inform the employee of the final decision, within five working days.

Full records will be kept of the grievance proceedings and copies of meeting records given to the complainant.

If, at the end of Step 1, the complaint is upheld the matter will be passed to the Staffing Committee to conduct a disciplinary hearing with the person who perpetrated the bullying or harassment.

## **5 Continuing to work together**

Whether a complaint is upheld or not, Ilfracombe Town Council recognises that it may be difficult for the employees concerned to continue to work in close proximity to one another during the investigation or following the outcome of the proceedings. If this is the case Ilfracombe Town Council will consider a voluntary request from either party to transfer to another job or work location. A transfer cannot always be guaranteed, however.

## **6 Monitoring**

Where bullying or harassment has been found to have occurred and the perpetrator remains in employment, regular checks will be made to ensure that harassment has stopped and that there has been no victimisation or retaliation against the victim. Ilfracombe Town Council will also ensure that the employee who committed the act of bullying or harassment is not victimised in any way.

## **7 Malicious complaints**

Where a complaint is blatantly untrue and has been brought out of spite, or for some other unacceptable motive, the complainant will be subject to Ilfracombe Town Council's disciplinary procedure, as will any witnesses who have deliberately misled Ilfracombe Town Council during its investigations.

## **8 Complaints to an employment tribunal**

While Ilfracombe Town Council trusts that employees will use the internal procedure to resolve any concerns they have about harassment, claims can be lodged with an employment tribunal where harassment is on the grounds of:

- Sex
- Gender reassignment
- Race
- Disability
- Sexual orientation
- Religion
- Belief
- Age

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