



**BULLYING AND HARASSMENT
AT WORK
POLICY AND PROCEDURE**

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Information

Every person who works within or is a political member of Ramsey Town Commissioners (RTC) should be able to come to work, or to meetings without fear of harassment, intimidation or bullying. RTC seeks to provide a Psychologically Safe workplace, where it is safe to learn, safe to have a voice, safe to contribute and safe to challenge.

Everyone in RTC has a responsibility to maintain good working relationships and not use words or deeds that may harm the wellbeing of others. In addition to the obligations placed upon both employers and employees by Equality and Human Rights legislation, everyone has the right to be treated with consideration, fairness, dignity and respect. This contributes to that workplace climate in which individuals feel safe and can work effectively competently and confidently.

This policy applies to all staff working within the organisation. It extends to include non-permanent workers such as contractors, agency, temporary staff, and any other workers. It will also apply where members of the public engage in any conduct towards staff or members which may constitute bullying or harassment. The policy, in addition, covers the behaviour of staff outside working hours which may impact upon work or working relationships. Members of the Board should also be wholly cognisant of the principles of this policy and procedure document in their dealings with each other, and staff of the Commission.

Policy

RTC maintains a clear, zero-tolerance position on the issue of bullying. The principles of good behaviour are set out in RTC's Code of Conduct, and matters of equality are rehearsed in its Equality Policy. Both of those documents should be read in conjunction with this policy and associated procedures. In addition, there are also close associations with the RTC Grievance and Whistleblowing Policy and procedures and an understanding of their contents is required in the making of any complaint or the conducting of any investigation.

RTC will provide and sustain a safe working environment in which everyone is treated fairly and with respect. Those working or dealing with RTC must not encounter harassment, intimidation or victimisation based on gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal or protected characteristic as defined in the Equality Act 2017.

No employee will be victimised or suffer detriment for making a complaint of harassment or bullying and no manager shall threaten either explicitly or implicitly that an employee's complaint will be used as the basis for decisions affecting that employee. Such conduct will be treated as a very serious disciplinary offence. Similarly, line managers are required to act on any complaint of harassment or

bullying. Failure to do so will be regarded as misconduct which if proven, will result in disciplinary action

RTC is committed to supporting all employees in maintaining their mental health and wellbeing. Employees who are impacted by harassment or bullying are encouraged to seek support, and managers should ensure that the wellbeing of both complainants and respondents is considered throughout the process. Signposting to appropriate services will be provided

RTC will provide regular training on identifying and preventing harassment and bullying to all employees, including specific sessions for managers on how to handle complaints effectively.

This policy does not replace nor take primacy in cases where behaviour is of a criminal nature. If it is suspected that the behaviour reaches this threshold the complainant will be supported in making the necessary report to the Police.

This policy and procedure will be reviewed every two years and when any legislative changes occur.

PROCEDURE

Oversight and Governance

Responsibility for the maintenance of professional standards rests with the Town Clerk, who will notify breaches in connection with this and other associated matters to the Establishment Committee as part of the corporate reporting process. Such reports will be in anonymised form.

Definitions:

Harassment

Harassment may be defined as any conduct which is:-

- unwanted by the recipient
- is considered objectionable
- causes humiliation, offence, distress or other detrimental effect.

Harassment may be an isolated occurrence or repetitive: it may occur against one or more individuals and can be carried out by one or more individuals. Harassment may be, but is not limited to:-

- Physical contact – ranging from touching to serious assault, gestures, passive aggressive behaviour, intimidation, aggressive behaviour, unwelcome advances or inappropriate physical gestures.
- Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, whispering to purposefully exclude colleagues, jokes and banter, offensive language.
- Non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities.

Bullying

Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively repeated and persistent behaviour which is offensive, abusive, intimidating, malicious or insulting.

Bullying includes but is not limited to:-

- Conduct which is intimidating, physically abusive or threatening
- Conduct that denigrates, ridicules or humiliates an individual, especially in front of colleagues
- Humiliating an individual in front of colleagues

- Picking on one person when there is a common problem
- Shouting at an individual to get things done
- Consistently undermining someone and their ability to do the job
- Setting unrealistic targets or excessive workloads
- “cyber bullying” i.e. bullying via e-mail. (This should be borne in mind where employees are working remotely and are managed by e-mail. Care and sensitivity should be practised with regard to the choice of context and language).
- Setting an individual up to fail e.g. by giving inadequate instructions or unreasonable deadlines.

Harassment and Bullying may be summarised as;

Any behaviour that is unwanted by the person to whom it is directed. It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant as to whether harassment or bullying has occurred.

Even if the behaviour was not intended to be harmful, it may still be considered harassment or bullying if it is perceived as such by the person receiving it. It is the recipient's reaction that determines whether the behaviour is deemed unacceptable.

Harassment and bullying may also extend to comments or behaviour in online spaces, such as social media, that affect work relationships or the work environment.

Throughout this procedure, the parties will be referred to as ‘complainant’ (the person raising the complaint) and ‘respondent’ (the person who is alleged to have bullied, or harassed).

The term ‘alleged behaviour’ is used to cover the allegations of bullying or harassment made.

First Steps

Any employee who wishes to make a complaint of harassment or bullying is encouraged to first discuss matters informally with their line manager, provided that they feel able to do so. Should the issues not be resolved at this stage, or the employee feels unable to raise the issue informally, then a formal resolution should be sought.

When a complaint of Harassment or Bullying is brought to the attention of a manager at any level, whether informally or formally, prompt action must be taken to investigate the matter. Corrective action must be taken and this may require an investigation under this procedure. Investigations will be carried out in an impartial manner, be fully

documented and where appropriate may involve an independent investigator sourced externally.

If it is considered that one of the parties concerned in a harassment or bullying case should be moved from their current workplace, then as a matter of principle this would normally involve the respondent rather than the complainant. However, it must be clear to all parties that the move is temporary, there is no suggestion of culpability to be taken from it and it is done purely to provide professional distance at a time of clear tension. The final decision should reflect the particular circumstances of the case and advice from Human Resources to the relevant manager.

All matters relating to the investigation of complaints of harassment or bullying will be treated in strict confidence. Any breach of confidentiality in this regard may render those responsible liable to disciplinary action. However, it will be necessary that any respondent is made aware of the allegations against them and the name(s) of the complainant together with the name(s) of any witnesses.

All allegations, whether raised formally or informally must be notified by the recipient of the complaint to The Town Clerk's Office for recording in accordance with the requirements of the Equality and Human Rights legislation. This legislation requires such records to be maintained and the incidence of bullying and harassment to be monitored.

Informal Resolution

Often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease. Complainants are therefore encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that their actions are unwanted and should not be repeated.

This may be done verbally or in writing in which case the complainant should keep a copy of the documentation and, where possible, the times and dates of incidents should be recorded.

If the complainant feels unable to approach the alleged harasser, a work colleague, Trade Union representative, McKenzie Friend¹ or a person of their choosing could be asked to speak to the alleged harasser on the complainant's behalf.

A note should be made of the action taken and the matter notified to Human Resources.

An individual who is made aware that their behaviour is unacceptable should:-

¹ a person who attends as a non-professional helper or adviser

- Listen carefully to the complaints and the particular concerns raised;
- Respect the other person's point of view: everyone has a right to work in an environment free from harassment/intimidation;
- Understand and acknowledge that it is the other person's reaction/perception to another's behaviour that is important;
- Agree the aspects of behaviour that will change;
- Review their general conduct/behaviour at work and with workplace colleagues.

Formal Resolution

If the alleged behaviour continues, the complainant feels unable or unwilling to deal with the matter informally, or the allegation is so serious as to prevent use of the informal procedure, a complaint should then be raised formally.

Normally, this will be the employee's line manager. However, if the employee feels unable to do this, they should submit the complaint in writing to a more senior manager within RTC. If the allegations are in relation to the Chief Executive/Clerk these may be raised directly with the Lead Member for Finance and General Purposes, who will, with other appropriate senior managers, arrange for the matter to be progressed in accordance with this policy and procedure.

- When dealing with a complaint under the Formal Resolution Procedure, the relevant manager should:
- Take full details of the incidents in writing from the complainant and their representative (if appropriate);
- Take full details from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour
- Inform the respondent of the complaints against them, advise them to seek representation and invite them to a meeting in order that they can comment on the allegations against them.
- Keep all parties informed of expected timescales.
- Inform all parties in writing of the outcome and any action that may be required.

If the allegations and the working situation warrant it, the respondent may be suspended during the investigation (in accordance with established disciplinary procedure) or transferred temporarily pending the outcome of the inquiry to another Department.

Should there be a case to answer against the respondent, the manager who has dealt with the complaint will communicate this to an impartial manager appointed by the Town Clerk, who will conduct a separate disciplinary investigation. The normal disciplinary procedure for misconduct/gross misconduct should then be followed. However, the following points should be taken into account:-

- The complainant will normally be required to attend the disciplinary hearing as a witness, unless there are exceptional circumstances which prevent them from doing so;
- If the complainant is required to attend, they are entitled to be accompanied by either a work colleague, Trade Union representative, McKenzie Friend or person of their choosing and have any questions directed through that person.

If the complaint is upheld at the disciplinary stage, there are several possible outcomes for the respondent, depending on the evidence presented and the circumstances. These could include, but are not limited to:-

- Dismissal.
- A formal warning.
- A recommendation of redeployment of the respondent, either on a temporary or a permanent basis. This will not be on any less favourable terms and conditions of employment.
- Implementation of other sanctions as detailed in RTC's Disciplinary Policy.
- Making arrangements for both parties to work as separately as possible within the same workplace.

In addition to the above, the respondent may be required to attend any training courses as deemed necessary by RTC.

It should also be noted that the complainant may wish to move Department/section depending upon the nature of the complaint and the people involved. Appropriate consideration should be given to this request and the outcome with reasons provided to the complainant.

With any allegation, the need for a thorough and objective investigation is paramount. Consequently, if through the course of the investigation evidence demonstrates that the allegation has been made frivolously, falsely, maliciously, or for personal gain, then the individual making the complaint will be subject to Disciplinary proceedings as outlined in the RTC Disciplinary Policy.

APPEALS

Appeals against decisions taken under the Bullying and Harassment at Work Policy and Procedure shall be dealt with as follows:-

- Appeals against a disciplinary sanction will be dealt with in accordance with the appeals process in the Disciplinary Procedure.
- Appeals by a complainant about the outcome of any inquiry will be dealt with in accordance with the appeal process in the Disciplinary Procedure

RECORDS

Where the complaint is informal and resolved at this stage, no record will be kept on personal files.

Following formal investigation, where the complaint is not substantiated, no records will be retained.

Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary, a letter confirming the outcome will be retained on the personal file and supporting documentation retained in a separate file for a period of 12 months.

Where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with the disciplinary procedure.

DATA HANDLING AND DATA PROTECTION

All data gathered in the course of any investigation will be treated confidentially and in accordance with the principles of the Data Protection Act 2018

TIMESCALES

From notification of a complaint to completion of initial evidence gathering. (first steps)	3 working days
To the completion of an informal resolution	10 working days
To the completion of a formal resolution investigation	21 working days
To the convention of a disciplinary panel post-investigation	10 working days
Appeals period following the outcome of a disciplinary panel	10 working days

In some circumstances there may be valid reasons for the adjustment of timescales. In these cases the reasons will be evidenced and the revised timescale agreed with the Town Clerk before being communicated with the respective parties. In cases where criminal allegations are being investigated, these will take precedence and the strategy must be discussed with the Town Clerk. Contingencies may include fast-track action or staying of internal proceedings until the criminal investigation is completed.