

Public Document Pack



Corporate Management Committee

Thursday, 12 October 2023 at 7.30 pm

Council Chamber - Civic Centre

Supplementary Agenda

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Report title	Bullying and Harassment Policy
Report author	Sarah Herbert – HR Business Partner Tony Bryant - Interim Corporate Head of Human Resources and Organisational Development
Department	Human Resources and Organisational Development
Exempt?	No
Exemption type	Not applicable
Reasons for exemption	Not applicable

Purpose of report:

To resolve

Synopsis of report:

To consider a proposed new employment policy on Bullying and Harassment. (Appendix 1)

Recommendation(s):

That the proposed policy be approved.

1. Introduction

- 1.1 As part of an initiative to modernise all employment policies, Human Resources have developed a new policy on dealing with Bullying and Harassment in the workplace. Legislation and approaches to the topic have changed significantly since the Council’s current policy was created (approved at Committee on 18 October 2000 and updated in November 2012), therefore it was necessary to prepare a new policy rather than amend the original version.
- 1.2 This new policy incorporates current legislation, modern examples and approaches to the topic. It was written in line with advice from ACAS (Advisory, Conciliation and Arbitration Service) and the CIPD (Chartered Institute of Personnel).

2. Purpose of policy

- 2.1 Bullying, harassment or victimisation will not be tolerated by the Council and this policy sets out the organisation’s approach to identifying and dealing with this behaviour. The document provides examples of bullying, harassment, cyber bullying and sexual harassment.

- 2.2 The policy applies to all employees, agency staff and anyone else engaged to work at the Council. It clarifies that a concern about the behaviour of an Elected Member would be dealt with using the Code of Conduct for Members.
- 2.3 Bullying can be alleged in situations where an employee is being performance managed, therefore the policy sets out the difference between legitimate performance management techniques in opposition to bullying behaviours.
- 2.4 The policy sets out details of methods which endeavor to deal with the issue informally, these include an employee speaking to the alleged bully themselves, or with the support of another person; a facilitated conversation with a neutral third party or mediation with a trained mediator. This is often provided by an individual from outside the organisation.
- 2.5 Should an informal approach be unsuccessful or inappropriate, the policy explains how an employee would raise the issue formally. The process for an investigation is detailed. The document also details the factors that need to be considered before suspending an employee.
- 2.5 The policy outlines the responsibilities under the policy of the Council, Managers, Employees and the Trade Union. It closes with details on internal and external sources of support and guidance.
- 2.6 Consultees on this policy were Corporate Leadership Team, Senior Leadership Team, Unison, the Equalities Group and the Human Resources team.

3. Policy framework implications

- 3.1 Updating employment policies meets one of the aims of the Organisational Development Strategy 2022-2023

4. Equality implications

- 4.1 It was necessary to undertake a full equality impact assessment due the significant impact that bullying and harassment can have on those with protected characteristics.
- 4.2 The assessment considered the definitions and examples provided in the policy and found these to be wide ranging, covered all protected characteristics and were in line with the Equality Act (2010). It was noted that, should changes be made to the protected characteristics that are covered under Act, the policy would need updating and new examples provided. The informal and formal processes outlined were felt to be fair and inclusive.
- 4.3 Other than adding a review date at the end of the policy, no amendments to the content of the document were required. No summary data was available to enable the organisation to look at trends of informal or formal bullying and harassment cases, therefore HR will create a tracking spreadsheet to provide this overview. It was noted that the Council would be able to hold a much more detailed diversity profile of its employees once the new HR and Payroll system was in place.
- 4.4 Once full approval is given, a communications plan will be devised to ensure that all employees are aware of the new policy.

5. Appendices

1. Bullying and Harassment Policy 2023
2. Bullying and Harassment in the workplace 2012

Runnymede Borough Council Bullying and Harassment Policy

October 2023

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1. Our Commitment

Runnymede Borough Council is committed to creating and maintaining a workplace where all employees are treated with dignity and respect and feel valued for the different skills and abilities they bring to the workplace.

Harassment, bullying or victimisation of any kind are unacceptable and will not be tolerated.

It should also be remembered that bullying and harassment can in some circumstances be considered to be a criminal offence, and that any employee found guilty of such could be held personally accountable for their actions under criminal law.

2. Scope of Policy

This policy will:

- Give a clear statement on the standards of conduct expected of all employees towards each other at work.
- Provide clarification on which behaviours constitute bullying or harassment.
- Outline a fair process by which any employee can raise concerns or seek redress if they are affected by bullying or harassment.
- Provide information on the support available to anyone affected by bullying and harassment at work.

The policy applies to all employees, agency staff and anyone else engaged to work at the Council.

Elected Members must adhere to the behaviours and standards set out in the 'Code of Conduct for Members'. Should an employee wish to discuss a concern about the behaviour of an Elected Member, this should be discussed with the Corporate Head of Law and Governance in the first instance.

The policy covers incidents that take place during working hours and outside working hours, where an individual's actions adversely affect the Council or have a bearing on any workplace relationship (for example on work visits/conferences, work social events, or through social media).

3. Defining Bullying

There is no legal definition of bullying. However, we regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power. Power includes both personal strength and the power to coerce others through fear or intimidation. It is usually persistent and has the effect of undermining, humiliating or injuring the recipient.

Bullying tends to be more than one single act and often is carried out over a period of time with the intention to undermine an individual's self-confidence, competence and self-esteem.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful.

Examples of bullying may include but are not limited to:

- Being sarcastic towards, ridiculing or demeaning others.
- Physical or psychological threats.
- Overbearing and intimidating levels of supervision.
- Inappropriate and/or derogatory remarks about someone's performance, behaviour or appearance.
- Abuse of authority or power.
- Unjustifiably excluding colleagues from meetings or communications.
- Persistent unnecessary criticism.
- Shouting at colleagues, whether in public or private.
- Deliberately isolating a person by ignoring or excluding them.
- Withholding information from a person without good reason.
- Maliciously removing areas of responsibility from a person without justification and/or explanation.
- Spreading untrue stories which are derogatory or slanderous.
- Setting objectives with impossible deadlines to deliberately undermine a person.
- Condescending behaviour or threatening treatment that humiliates, intimidates or demeans.
- Making jokes/banter which is demeaning to specific groups for example, jokes that support or reinforce stereotypical views.

4. Bullying and Performance Management

It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not amount to bullying.

One area where bullying can often be alleged is when an individual is being monitored or managed because of work performance that is seen as below standard.

It is perfectly legitimate for an employer to bring performance failings or issues with the employee's conduct, to the attention of an employee (and it has a duty to do so), but performance management should:

- Be aimed at improving the performance.
- Be supportive and constructive (where feasible).
- Consider any underlying health or wellbeing issues.
- Be done in a private environment.
- Be focused on the specific aspects or work areas that require improvement.
- Treat employees with dignity and respect.
- Be based on realistic timescales and targets for improvement.

In contrast, bullying would be seen as:

- Being personally critical of the individual.
- Picking up mistakes or errors that would not be mentioned to others making the same mistakes.
- Unreasonably micro-managing the individual.
- Creating unrealistic timescales and targets – 'setting the individual up to fail'.

- Raising issues in front of others with the intention of demeaning them.

5. Cyber Bullying

Cyber-bullying “involves the use of information and communication technologies to support deliberate, repeated, and hostile behaviour by an individual or group that is intended to harm others.” (Belsey, 2004). This can result from the use of mobile phones or the internet through emails, instant messaging sites such as WhatsApp, blogs and social networking websites such as Twitter, Facebook, Tik Tok and Instagram.

Cyber-bullying can include continuing to send e-mails to someone who has said they want no further contact with the sender, but it may also include threats, sexual remarks, posting inappropriate pictures, offensive or intimidating language directed at another employee, sensitive personal information, pressure to join someone’s online circle of ‘friends’ or work contacts and posting false statements as fact aimed at humiliation.

The nature of this type of bullying means it can occur outside working hours however, if it is instigated by an employee against another employee, it will be dealt with under this policy.

With cyber bullying, bystanders can easily become perpetrators, for example, by passing on or showing to others images designed to humiliate, for example, or by taking part in online polls or discussion groups. They may not recognise themselves as participating in bullying, but their involvement compounds the misery for the person targeted.

Runnymede Borough Council reserves the right to check emails and social networking sites if an employee reports instances of cyber bullying. Managers must seek guidance from the Corporate Head of HR & OD before doing so.

Employees who use social networking sites, emails or other forms of social media for example to air their grievances regarding their employment or other employees, defame the Council, or breach the confidentiality of the Council may be committing acts of misconduct which could lead to disciplinary action.

6. Defining Harassment

Harassment can occur in many forms and can take place either at work or outside work.

Harassment is defined in the Equality Act 2010 as “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Protected characteristics are:

- Age
- Disability
- Gender reassignment
- Race, nationality and ethnic origin
- Religion or belief
- Sex
- Sexual Orientation.

- Marriage or Civil Partnership
- Pregnancy or maternity.

Harassment does not depend solely on the intention of the offender, it focuses more on the impact of their behaviour on the victim.

An employee may also be harassed on the basis that they are associated with someone with a protected characteristic or perceived to have a protected characteristic, for example:

By association - an employee is harassed because his or her spouse has a particular religious belief.

By perception – an employee is harassed because they are perceived to be homosexual (even if they are not).

A single incident of unwanted or offensive behaviour to one individual can amount to harassment.

Examples of harassment can include but are not limited to:

- Banter, jokes, taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic.
- Unwanted physical behaviour, for example, pushing or grabbing.
- Excluding someone from a conversation or a social event or marginalising them from the group.
- Derogatory comments about pregnancy, maternity leave or IVF treatment
- Mimicking or making fun of someone's disability.
- Derogatory or offensive comments about religion.
- Unwelcome comments about someone's appearance or the way they dress that is related to a protected characteristic.
- "outing" (i.e., revealing their sexual orientation against their wishes), or threatening to "out", someone.
- Consistently using the wrong names and pronouns following the transition of a person's gender identity.
- Displaying images that are racially offensive.

7. Defining Sexual Harassment

Harassment of a sexual nature is specifically outlawed by the Equality Act 2010. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Examples of sexual harassment

Sexual harassment can occur in many forms. Examples of sexual harassment can include but are not limited to:

- Physical conduct of a sexual nature, unwelcome physical contact or intimidation.

- Persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions.
- Showing or sending offensive or pornographic material by any means (e.g., by text, video clip, email or by posting on the internet or social media).
- Unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults.
- Offensive comments about appearance or dress, innuendo or lewd comments
- Leering, whistling or making sexually suggestive gestures.
- Gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.
- Upskirting- this is where someone takes a picture under a person's clothing without their permission. It is now a specific criminal offence in England and Wales.

It may not solely impact the victim themselves but anyone who is affected by the inappropriate behaviour.

8. Work-related events

At any work-related event, employees are under a duty to represent the Council professionally. This extends to social events which, although not normally considered as 'work', may well be considered as an extension of the workplace.

Such events may include:

- team days or events which you attend on account of your position within the Council.
- privately arranged events to which you are invited because you are an employee of the Council.
- Parties or events organised by the Council, or other similar gatherings throughout the year.

In all circumstances, employees are expected to behave in an appropriate and responsible manner. The Council's normal standards of behaviour will continue to operate during the social event and at any subsequent or follow-on event attended by an employee.

An employee should not engage in discriminatory, harassing or aggressive behaviour towards any other person either before, during or after the social event. The Council's policy on bullying and harassment continue to apply and a breach of this policy could result in disciplinary action.

9. Victimisation

Victimisation describes less favourable treatment of an individual because they have:

- Made a complaint or intend to make a complaint about being bullied or harassed; or
- Intend to act as a witness or give evidence in support of another person's complaint about being bullied or harassed.

10. Impact

The effects of bullying and harassment on morale and productivity can be substantial and may result in undesirable consequences such as:

- Loss of self-esteem and self-confidence.
- Reduced productivity and competence.
- An atmosphere of intimidation.
- Prolonged stress leading to both physical and mental health problems.
- Poor work relationships.
- High levels of absenteeism.
- High turnover of staff.
- Legal action.

11. How to get help

Advice and support

Employees who feel that they are affected by harassment or bullying can seek advice and support from:

- Their manager.
- A trusted colleague.
- An HR Business Partner.
- Union representative.
- Mental Health First Aiders.
- [ACAS](#)

12. Informal Procedures

Where possible the employee should keep a diary of all incidents including details of dates, times, any witnesses and how they were personally affected. Copies of any documents that may be relevant, for example reports, emails, notes of any meetings that relate to the issue should also be kept.

If an employee believes they are being subjected to bullying or harassment, it is recommended that, where possible and appropriate, those involved should attempt to resolve the situation informally in the first instance. The respondent (the person displaying the bullying or harassing behaviour) might be unaware that their behaviour is inappropriate, or their words or actions may inadvertently have caused offence.

In some cases, therefore, it may be possible for the employee to approach the person informally - either by speaking to them directly about their behaviour or writing them an e-mail explaining how the behaviour has affected them and asking for it to stop.

The complainant (the person who feels that they are being bullied or harassed) will choose to do this themselves, or they may choose to do so with support from their manager, a colleague or union representative.

It may be appropriate to have an informal facilitated conversation with a neutral third party in which the third party provides support to both parties to share their experience and the impact

that the behaviour concerned has been having. The aim of the facilitated conversation is to find a positive way to move forward from the situation.

In some situations, it may be appropriate for the manager to take the lead in working to resolve any conflict between the employees at this stage and it may be appropriate for the manager to mentor the respondent on appropriate and positive workplace behaviour.

Issues can arise between a line manager and an employee and in this scenario, it would be more appropriate for another manager, typically more senior in the organisation, to take the lead in working to resolve any conflict.

The complainant can make it clear that if the behaviour continues, a formal complaint will be made.

13. Mediation

Mediation can be used where direct discussions between the employee and respondent have failed to resolve the matter or where the relationship between these parties has completely broken down.

Mediation is more structured than the facilitated conversation listed previously and is a confidential and voluntary process in which a qualified neutral person (often from outside of the organisation) helps people in dispute to explore and understand their differences so that they can find mutually acceptable solutions to issues of conflict.

Both sides must agree to participate in mediation as it is a voluntary and confidential process. Mediation is carried out outside of formal procedures and would not normally be considered in any formal disciplinary, grievance or other proceedings that may follow.

Please liaise with Human Resources to discuss mediation options.

14. Formal Procedures

Whilst it is hoped that most issues can be dealt with informally with a problem-solving approach, in some cases a more formal approach may be necessary due to the seriousness of the complaint, or where an informal approach has not been successful. The decision whether to progress a complaint rests with the individual employee.

However, an individual may allege bullying but 'not want to take it further', perhaps because of fear of reprisals or other actions. However, once revealed, the Council cannot fail to respond to a very serious allegation.

The employee can raise the matter formally, in writing or orally, to their line manager, another appropriate manager or to the Human Resources team.

The complaint should include details of the behaviour and any attempts that have already been taken resolve the matter informally.

15. Investigation

In most cases, the Corporate Head (or a suitably impartial manager who has no direct connection with the issue or individuals involved), and a member of the HR team will independently and impartially review the information provided. They will determine if the alleged behaviours fall under the definitions of bullying and harassment and decide if an investigation is required.

Process

If an investigation is required, an investigator will be commissioned to complete a thorough and impartial investigation to discern if bullying or harassment has taken place and make recommendations to the Corporate Head who commissioned the investigation.

This will involve reviewing evidence, interviewing the complainant, the respondent and key witnesses. The investigator will consider the welfare of everyone involved and will act with sensitivity and respect, with the aim to complete the investigation in a timely manner, ideally within 2-4 working weeks.

Considering suspension of the respondent

In some cases, employees can continue to work together, however there may be extreme circumstances when this is not appropriate, and management must consider if suspension from duty on full pay is necessary.

Serious consideration must be taken before suspending an employee. It is not considered in law as a 'neutral act' and can have a serious detrimental impact on the respondent and their career and reputation, particularly if an allegation is found to be untrue.

Alternatives must be considered first, which may include for example, reallocation of tasks, creating different managerial arrangements, a change in the teams working from home arrangements, or where appropriate, special paid leave. Suspension would be considered if it is believed that there is genuine risk to an employee, the organisation or the investigation if the respondent (the alleged bully) remains in the workplace.

If it is concluded that suspension from duty is required, the respondent will need to be informed of the complaint made against them and the timescales of the subsequent investigation. Management is required to make clear that suspension is not disciplinary action in itself and is a precautionary measure. It should be reviewed on an ongoing basis and be timebound. Only if no other options were possible would the Council consider moving the complainant to a different work location or team.

Whether suspended from duty or remaining in work, the Council has a duty of care for both the complainant and the respondent. In practice, this means ensuring good communication with both parties, carrying out processes in a timely manner and providing support.

Decision making

Investigators will bear in mind when evidence is considered in bullying and harassment cases:

- Absolute proof is not necessary in employment law.
- The outcome will be determined on the balance of probabilities that an incident is more likely to have occurred than not.
- This is unlike criminal proceedings, in which the standard of proof is beyond reasonable doubt.

The investigator will consider all relevant evidence and make conclusions and recommendations to management. They must compile a thorough report which provides the details of the investigation and all evidence gathered and decides whether the alleged behaviour constitutes bullying or harassment as defined in this policy. The report will advise whether the complaint has been:

Upheld - if believed that the bullying or harassment took place.

Rejected - if believed that the bullying or harassment didn't take place.

Partially Upheld – if believed that some, but not all behaviour can be defined as bullying or harassment.

16. Next steps

If at the end of the investigation there are grounds for believing that an employee has been bullied or harassed, the Council will act under the Disciplinary Procedure. While each case must be treated on its own merits, bullying or harassment is taken extremely seriously and is not tolerated. It may be considered as gross misconduct and could lead to dismissal.

If the investigation concludes there is insufficient evidence of bullying or harassment, or that the alleged actions do not constitute bullying or harassment, it is important that the complainant is made fully aware of how the conclusions were reached and why no formal action is being taken. The respondent also needs to be informed of the outcome.

If the complaint was made genuinely, it may be that there are specific learning and development concerns, communication or behavioural issues that need to be addressed with the alleged bully. In this situation there may also be work to be done to rebuild the working relationship between the two individuals, an area where HR can provide support. Mediation could be offered at this stage.

17. Dissatisfaction with an investigation process or the outcome of an investigation

If the complainant is not satisfied that the matter has been dealt with in accordance with the Council's policy, or feels that the matter has not been resolved satisfactorily, the employee should speak to their Corporate Head (unless they were directly involved in the investigation itself). In the first instance, questions would be put to the Investigating Officer by this senior officer and the Investigator would be asked to provide information on their process and the rationale for recommendation(s) made in their report. This information would then be shared with the complainant.

If this does not resolve the issue, the employee would lodge a complaint using the Council's Grievance Procedure.

18. Harassment by a third party

Third party harassment is when employees feel intimidated or offended by someone from outside their workplace. An external party is categorised as anyone who is not employed by the same employer as the victim. Some examples of third parties include:

- Customers or clients of the Council
- Business contacts: Such as at a conference or meeting.
- Any other non-directly employed staff members: This includes independent contractors or agency workers.

If an employee feels they have been subjected to bullying or harassment due to someone making vexatious complaints about them, the Council has protocol in place to consider and manage [unreasonable complainant behaviour](#).

An employee should speak to their line manager in the first instance to consider the appropriate route for an informal or formal complaint to be made.

19. Malicious complaints

If an employee is found to have made a malicious complaint which does not have grounds, substance or evidence and could have been made to cause upset and distress, the Council may act in line with the Disciplinary Procedure.

20. Responsibilities under the Policy

Everyone working in Runnymede Borough Council has a responsibility to help create and maintain an environment free from harassment, bullying and victimisation, where everyone is treated with dignity and respect.

Council

The Council will:

- Fulfil its legal and moral responsibility to deal effectively with harassment and bullying in the workplace using this policy and its arrangements in conjunction with best practice guidelines for investigators and, if appropriate, the disciplinary procedure.
- Ensure that all employees are aware of our bullying and harassment policy and procedures; understand their rights and responsibilities under the policy; and know where to get information and support with any concerns.
- Provide guidance and training to all employees responsible for dealing with complaints of harassment or bullying as part of the Council's ongoing Management Development Programme.
- Monitor and review the effectiveness of this policy in line with best practice.

Managers

It is the responsibility of managers to:

- Read and understand this policy and its arrangements; and ensure these are communicated to all employees within their area of responsibility.
- Set examples and standards of positive behaviour in line with this policy and in our Leadership and Staff Competency Framework and individual job descriptions.
- Be aware of working relationships within their teams and respond promptly to any issues or concerns raised at an early stage to avoid unnecessary escalation of these into bigger problems.
- Take early action to deal with behaviour that may be construed as harassment or bullying under this policy - even if a complaint hasn't been made.
- Be supportive of any employees who come to them with concerns about unacceptable behaviour.
- Manage in a consistent and considerate manner to negate allegations of bullying when applying the Council's performance management processes.

Employees:

It is the responsibility of every employee to:

- Read and understand this policy and its arrangements so that they know what is expected of them, and what to do if they are affected by harassment and bullying in the workplace.
- Set examples and standards of positive behaviour in line with this policy and in our Leadership and Staff Competency Framework and individual job descriptions.
- Support the council in its efforts to eradicate bullying and harassment by challenging inappropriate behaviour they may experience or witness, and by seeking or encouraging colleagues to get support and assistance.
- To consider that managers may from time to time be required to have difficult conversations with members of their team should they observe a negative change in performance or attitude.

Trade Union:

The Union will:

- Support the Council in its efforts to provide a working environment free from harassment, bullying and victimisation.
- Read and understand this policy and its arrangements so that they know how to support members who may be affected by bullying and harassment in the workplace.
- Participate in training and development activities as and when required to support the implementation of this policy.

- Help inform the workforce of our bullying and harassment policy and encourage employees who may have a problem to seek to resolve this through the policy and procedure available to them.
- Advise members of their rights and responsibilities under the policy and represent members as and when appropriate.

21. Internal sources of support and guidance

- Mental Health First Aiders
- Free Confidential Counselling
- Human Resources Business Partners
- Unison

22. External sources of support and guidance

- [Discrimination, bullying and harassment | Acas](#)
- [National Bullying Helpline contact information](#)
- [Difficult work relations - Mind](#)
- [If you're being harassed or bullied at work - Citizens Advice](#)

23. Legislation

The development and application of this policy is guided by:

- Equality Act 2010
- Health and Safety at Work Act 1974
- Protection from Harassment Act 1997
- Human Rights Act 1998.

24. Policy Review

The Council will monitor the effectiveness of this Policy and will review at least once every three years, or earlier if appropriate.

For all information contained within this document contact:

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Search: Runnymede Borough Council

BULLYING AND HARASSMENT IN THE WORKPLACE

1. INTRODUCTION

1.1 Bullying and/or harassment in the workplace is an organisational issue and is, without exception, unacceptable in Runnymede and will be dealt with under the Council's Disciplinary Procedure.

1.2 Effective working relationships between staff and between staff and Elected Members are important not only for individual well-being but also in the effective delivery of the Council's services.

1.3 All complaints of bullying and/or harassment will be properly investigated. The following procedure details the arrangements for dealing with such complaints.

1.4

Definitions	
Bullying	<p>Regular and persistent intimidation that undermines the confidence and integrity of the victim often causing stress and anxiety in the victim. Typically, but not exclusively, bullying is committed by an individual who is in a position of power or authority over the victim.</p> <p>This definition would usually exclude one-off incidents, but there cannot be a requirement that the conduct has to happen a specified number of times or to pass any severity test before it is taken seriously. A single and extreme incident could be dealt with under this procedure</p>
Harassment	<p>Unwanted conduct that affects the dignity of men and women at work. It may be of a racial or sexual nature or concern a disability, including appearance. It covers unwanted physical contact, verbal or non-verbal conduct (including silence) as well as harassment in writing, via the internet or e-mail.</p> <p>This definition can include a single incident, as well as a pattern of persistent unwanted behaviour.</p>

1.5 The following procedures relate to complaints from staff of unwanted behaviour that is perceived to be bullying or harassment carried out by another member of staff or Elected Member.

1.6 The aim of the procedures is to stop unwanted behaviour and to prevent recurrence.

1.7 Whilst it is no less potentially damaging, it may be that the perpetrator is unaware that their behaviour is unwanted and is causing distress. It is felt, therefore, that the process normally should start with informal steps. However, this does not preclude the ability to proceed directly to the formal stage, if appropriate.

2. INFORMAL STEPS

2.1 An employee who feels that they have been bullied or harassed should, as soon as possible after the incident occurs, make it known to the perpetrator that the behaviour causes offence and is unwanted. This may be done by the employee:-

- verbally either face-to-face or over the telephone; or
- in writing; or
- through or with a colleague; or
- through his/her trade union representative or Human Resources who will arrange for an appropriate person to facilitate mediation.

2.2 Regardless of the approach taken, a detailed note should be made and kept, by the employee who is making the complaint, of the nature of the behaviour and how it was agreed that it would be resolved.

2.3 If the unwanted behaviour continues after an informal approach has been made, the matter should be dealt with using the following formal steps.

3. FORMAL STEPS

The following steps will apply if the informal approach has not been successful or if the circumstances are such that the employee involved feels that the informal approach is inappropriate.

3.1 Complaints about another Member of Staff

3.1.1 Raising the Complaint

3.1.1.1 The employee may raise the matter formally, in writing or orally, either in person or with or through a third party, e.g. a colleague or a Union Representative, with either:-

- their line manager; or
- another appropriate manager; or
- the Head of Human Resources (or his/her representative).

3.1.1.2 In all cases where the complaint is not made direct to the Head of Human Resources, s/he (or his/her representative) must be informed of the complaint. In the event that the complaint is about the Head of Human Resources, the matter must be referred to the Chief Executive.

3.1.2 Responsibilities of the Person Receiving the Complaint

The person who receives the complaint will be responsible for:-

3.1.2.1 informing the Chief Officer(s) of the parties involved

3.1.2.2 informing the Head of Human Resources (or his/her representative);

3.1.3 Responsibilities of the Complainant's Chief Officer

3.1.3.1 At the earliest opportunity to appoint an appropriate officer to undertake an initial investigation of the complaint to establish the relevant facts. The Chief Officer of the individual against whom the complaint is made shall ensure that the person investigating the complaint is afforded every assistance and co-operation.

- 3.1.3.2 N.B. As the investigation could result in disciplinary proceedings, the investigating officer should not be the Head of Human Resources (or his/her representative) or the Chief Officer of the individual against whom the complaint is made.
- 3.1.3.3 establishing whether the complainant wants support/specialist counselling;
- 3.1.3.4 establishing whether training is appropriate for either party;
- 3.1.3.5 informing the complainant and the alleged bully or 'harasser' of the outcome of the initial investigation. This should be within 10 working days of the complaint being received. Any delay beyond that period in completing the investigation must be notified to the complainant and the alleged bully or 'harasser';
- 3.1.3.6 invoking the appropriate level of the disciplinary procedure if the initial investigation identifies that there is substance to the allegations;
- 3.1.3.7 where the individual against whom the complaint is made is in a different department to that of the complainant, the Chief Officers of the two parties will liaise and, if appropriate, disciplinary proceedings will be undertaken by the employing Chief Officer. Any matters of disagreement between the heads of the two departments shall be resolved by the Chief Executive or if the Chief Executive is one of the two, by another Chief Officer;
- 3.1.3.8 checking with the complainant that the matter has been dealt with in accordance with the Council's procedures and has or has not been resolved satisfactorily.

3.2 Complaints about Elected Members

3.2.1 Raising the Complaint

- 3.2.1.1 The employee should raise the matter formally, in writing or orally, either in person or through a third party, e.g. a colleague, a Line Manager or a Union Representative, with their Chief Officer.

3.2.2 Responsibilities of the Chief Officer

The Chief Officer will be responsible for:

- 3.2.2.1 informing the Chief Executive who in turn will inform the Leader of the appropriate political group;
- 3.2.2.2 at the earliest opportunity, conducting an initial investigation of the complaint to establish the relevant facts;
- 3.2.2.3 establishing whether the complainant wants support/specialist counselling;
- 3.2.2.4 establishing whether training is appropriate for either party;
- 3.2.2.5 informing the complainant and the alleged bully or 'harasser' of the outcome of the initial investigation. This should be within 10 working days of the complaint being received. Any delay beyond that period in completing the investigation must be notified to the complainant and the alleged bully or 'harasser';
- 3.2.2.6 reporting the findings to the Chief Executive who will discuss with the Leader of the appropriate political group the appropriate action, if any, that needs to be taken against the individual Elected Member;
- 3.2.2.7 checking with the complainant that the matter has been dealt with in accordance with the Council's procedure and has or has not been resolved satisfactorily.
- 3.2.2.8 N.B. If the complainant is a Chief Officer, or the Chief Executive, another Chief Officer will undertake the investigation and, in the case of the Chief Executive, liaise with the Leader of the appropriate political group.

3.3 Dissatisfaction with the investigation

- 3.3.1 Where the complainant is not satisfied that the matter has been dealt with in accordance with the Council's procedures, the matter shall be referred to the complainant's Chief Officer for review.
- 3.3.2 Where the complainant is dissatisfied with the outcome of the Chief Officer's review then the complainant may request the Chief Officer to arrange for a hearing before the Standards Committee who will determine the matter under the Grievance appeals procedure. The Council's case will normally be presented by the Chief Officer who instigated the investigation.

3.4 Dissatisfaction with the outcome of the investigation

- 3.4.1 Where the complainant considers that the matter has not been resolved satisfactorily then the matter shall be referred to the complainant's Chief Officer for review.
- 3.4.2 Where the complainant is dissatisfied with the outcome of the Chief Officer's review then the complainant may request the Chief Officer to arrange for a hearing before the Standards Committee who will determine the matter under the Grievance appeals procedure. The Council's case will normally be presented by the Chief Officer who instigated the investigation.
- 3.4.3 N.B. If as a result of a Grievance Appeal Hearing a decision is taken that a Disciplinary Hearing should be convened by the employing Chief Officer, any subsequent disciplinary action taken will be subject to a right of appeal by the disciplined employee. That appeal, however, will only be based upon the disciplinary proceedings and not on the proceedings of the Grievance Appeal Hearing.

3.5 Confidentiality

- 3.5.1 Matters raised under this procedure must be treated as confidential by all parties and not communicated outside of those immediately involved and their appointed representatives and anyone having a right to such information as may be required to be disclosed by law.
- 3.5.2 Any breaches of confidentiality by any party involved will be dealt with under the Council's Disciplinary Procedure.

3.6 Victimisation and Retaliation

- 3.6.1 It will be considered a disciplinary offence to victimise or retaliate against a person bringing a complaint under this procedure or assisting in an investigation..

3.7 False and Malicious Accusations

- 3.7.1 Accusations of bullying and harassment can be extremely distressing and disruptive to all concerned and if found to be false or made with malicious intent may lead to disciplinary action being taken against the individual making these accusations.

3.8 Training

- 3.8.1 Appropriate training will be available for staff.

Exec. 18/10/00

Report title	Proposal to confer honorary titles and agree actions and events to mark the 50th anniversary of the creation of Runnymede administrative area
Report author	Mario Leo/Gary Lelliott/Clare Sykes
Department	Law and Governance/Chief Executive's
Exempt?	No
Exemption type	Not applicable
Reasons for exemption	Not applicable

Purpose of report:

To recommend to full Council
To resolve

Synopsis of report:

This report outlines proposals for conferring honorary titles to coincide with commemorating the 50th anniversary of the creation of Runnymede as an administrative area.

Recommendation(s):

- 1. That the Corporate Management Committee recommend to the Council:**
 - a) That North West Surrey Alliance be awarded Freedom of the Borough of Runnymede.**
 - b) That former Councillor Derek Cotty be appointed as an Honorary Alderman.**
- 2. That, subject to the agreement of the Council with the awards detailed in 1. above, the Corporate Management Committee agree to allocate a budget of £6,200 for the above awards, and other associated costs arising from the proposals contained within this report which will be drawn from existing budgets.**

1. Context and background of report

1.1 Runnymede was incorporated as an administrative area on 1 April 1974. The Council is therefore due to celebrate its 50th anniversary in April 2024. It should be noted that whilst Runnymede was granted its Royal Charter in 1978, thus bringing about its Borough Council status it was, as an administrative entity, formed in 1974.

1.2 In order to mark this significant milestone in the borough's history, the Leader of the Council asked officers to consider options for awarding the honorary titles of Freeman/Freewoman of the Borough and Honorary Alderman/Alderwoman to individuals or organisations that have rendered eminent services to the borough.

1.3 Officers were also asked work up a proposal for members' review that allowed for modest celebrations that are sympathetic to the current financial climate.

2. Report and, where applicable, options considered and recommended

Freedom of the Borough

2.1 Section 249 of the Local Government Act 1972 ("Section 249") permits principal Councils to award the title of "Freeman/Freewoman of the Borough" to persons of distinction and persons who have, in the opinion of the authority, rendered eminent services to that place or area. Such awards can also be given to organisations that have met the same criteria.

2.2 In acknowledgement of their relationship with the Council, it is proposed to award the Freedom of the Borough of Runnymede to North West Surrey Alliance, particularly in recognition of the Alliance's position of distinction in the community and the eminent services that it has provided to the residents of the borough.

2.3 It is felt that the North West Surrey Alliance's extensive efforts in co-operation with many partners of the Surrey Heartlands Integrated Care System, on behalf of Runnymede's residents who are at the heart of the North West Surrey geographical area, warrants the formal acknowledgement of the Council by way of the Borough's highest honour.

2.4 When thinking back to the pandemic, the response of the NHS was something which the country was and remains most proud of, and this feeling is replicated across Runnymede. This depth of feeling continues post pandemic, and the Council is keen to acknowledge all those who dedicate their careers to support those who need help most.

2.5 The Council wishes to recognise, in particular, the operational workforce, including those who:

- Work within GP practices
- Support residents in their own homes
- Work at accident and emergency and urgent treatment centres
- Work on hospital wards and in other departments at St Peter's Hospital
- Play an equally important role on behalf the Borough's residents in other settings

2.6 Awarding Freedom of the Borough to North West Surrey Alliance ensures that the Council recognises and thanks all who contribute to providing such critical and highly valued services to residents of the Borough.

2.7 The award of Freedom of the Borough will require the agreement of two thirds of those members present at the special meeting of the Council.

Honorary Alderman

- 2.8 Section 249 also permits principal Councils to award the title of Honorary Alderman to former Councillors that have “rendered eminent services to the council as past members of that council, but who are not then of the council”.
- 2.9 In recognition of his longstanding contribution to the Runnymede area and Runnymede Borough Council it is proposed that Derek Cotty has rendered eminent services to the Council by virtue of the significant personal contribution that he delivered through his role as a Councillor in support of the Magna Carta 800 celebrations. Former Councillor Cotty led efforts on behalf of the Council to secure public and private sponsorship of the celebrations, both in the UK, Europe and the United States. Through his drive and tireless work former Councillor Cotty raised the profile and awareness of Magna Carta and its international significance resulting in a period of commemoration over many months to mark the 800th anniversary. Former Councillor Cotty was also a core member of the independent group that developed and delivered the statue of Her Late Majesty, Queen Elizabeth II that now stands on the Runnymede meadows.
- 2.10 The award of Honorary Alderman will require the agreement of two thirds of those members present at the special meeting of the Council.

Official celebrations for the awards

- 2.11 Typically, for most Councils, this includes the purchasing of a scroll and the hosting of a celebratory event for members of the council and the recipient of the title. The practice at Runnymede Borough Council has been in keeping with this custom and it is proposed to hold a reception following the presentations.
- 2.12 Due to the cost of hosting such events, it is proposed that the celebrations for each of the awards detailed above be combined into a broader event, in the form of an extraordinary meeting of the Council, to celebrate the 50th anniversary of the incorporation of Runnymede as an administrative body.
- 2.13 A list of official invitees will be drawn up, to consist of the awardees and their guests, civic dignitaries including past mayors, the deputy lieutenant, local MPs, representatives of twinned towns, and other individuals considered to have played an important role within and on behalf of the Council.

Other proposals

- 2.14 As part of the celebrations to mark the 50th anniversary of the creation of Runnymede, it is proposed that a modest plaque be commissioned, for installation outside the Council Chamber, alongside other commemorative pieces already in place.
- 2.15 In recognition of the contributions made by councillors and staff, members are asked to consider whether a commemorative pen, pendant or similar token should be issued to each councillor and member of staff. This would be consistent with a previous celebration, where a commemorative coin was issued for the Magna Carta 800th anniversary celebrations.
- 2.16 Given the significance of the Borough to its local residents, a boroughwide competition among residents is proposed. The details of the competition will be

finalised in discussion with the Mayor, but may include an artwork or photography competition, or a poetry competition.

- 2.17 The winner and a small number of their guests would be received at the extraordinary meeting of the Council in Spring 2024.
- 2.18 An exhibition celebrating the borough's history, hosted at Chertsey Museum, is being planned. The exhibition will be organised by the museum's curator and costs will be met from the museum's existing budget.
- 2.19 Whilst it will not form part of the borough's formal celebrations, the Mayor is also planning to acknowledge the borough's history with dignitaries from the German city of Bergisch Gladbach during their annual town twinning visit to the borough during Spring 2024. Any such events will be met from the Mayor's existing budget.

3. Policy framework implications

- 3.1 None.

4 Resource implications/Value for Money

- 4.1 Section 249 provides that a "principal council may spend such reasonable sums as they think fit for the purpose of presenting an address, or a casket containing an address, to a person on whom they have conferred the title of Honorary Alderman or Honorary Alderwoman". A similar provision exists for awarding the title of freeman or freewoman.
- 4.2 Due to an underspend on the committee printing budget, arising from a higher than expected number of Councillors receiving electronic copies of documents at the present time, a budget of £6,200 has been identified to cover the cost of the following:
 - Scrolls and frames
 - Celebratory evening in Spring 2024
 - Commemorative plaque
 - Token items for councillors and staff
- 4.2 Subject to the agreement of the proposals set out in this report, the underspend would be transferred into a new budget as part of a virement under officer delegation.

5. Legal implications

- 5.1 The medieval term 'freeman' traditionally meant someone who was not the property of a feudal lord, but enjoyed privileges such as the right to earn money and own land. Town dwellers who were protected by the charter of their town or city were often free - hence the term 'freedom of the city'. The conferment of the Honorary Freedom of a borough or city has been established since 1885 as the highest honour which the local authority can bestow.
- 5.2 To be granted the title of Honorary Freeman is a mark of distinction upon the person whom the Council wishes to honour. The Freedom itself carries no privilege and is purely an honour, reflecting the eminence of the person or body on whom it is conferred or as recognition of significant and valuable services

rendered to the borough by that person or body. It should not be awarded to serving councillors.

- 5.3 Section 249 deals with the admission to the Freedom of the Borough by Borough Councils of 'persons of distinction and persons who have in the opinion of the Council, rendered eminent services to the Borough'.
- 5.4 Section 249 provides that a special meeting of the Council must be convened with the specific object of passing the resolution to Honorary Freedom - one of the highest honours that the Borough can bestow. This can take place on the same date as a normal Full Council meeting but must be a separate meeting, so it will normally take place before the scheduled meeting.
- 5.5 The resolution should recite the grounds upon which the recommendation is being made, and details of the public services rendered by the recipient should be included. The resolution must be passed by not less than two thirds of the members present.
- 5.6 Section 249 also gives the power to confer the title of 'Honorary Alderman' (or 'Honorary Alderwoman') on persons who have, in the opinion of the council, rendered eminent services to the council as past members of that council, but who are no longer members of the council. Section 249 does not specify how eminent services are defined, and this is left as a matter of local interpretation.
- 5.7 As with the conferring of the honour of Freeman the appointment of Honorary Aldermen must take place at a Council meeting specially convened for the purpose. Two thirds of the members present at the meeting must vote in favour of a resolution for the nominee to be appointed as an Honorary Alderman.
- 5.8 The title of Honorary Alderman does not confer any special privileges or rights upon the appointee to speak or vote at Council meetings, beyond the rights and privileges already afforded to the public.
- 5.9 The only rights that are conferred to an Honorary Alderman by virtue of their appointment is to be invited to Civic functions and events by invitation of the Council. The Council will decide which Civic functions and events it is appropriate to invite Honorary Aldermen to.

6. Equality implications

- 6.1 Equalities impact assessments will be conducted on specific elements of the proposals set out within this report, where necessary or appropriate.

7. Environmental/Sustainability/Biodiversity implications

- 7.1 None.

8. Other implications (where applicable)

- 8.1 None.

9. Timetable for Implementation

- 9.1 The Corporate Management Committee is required to make recommendations to a specially convened meeting of the Council. It is proposed that a special meeting be

held on the same evening as the ordinary Council on 19 October 2023, with the ordinary meeting to commence at the rise of the special meeting. It is necessary for the Council to consider the proposed awards at this stage due to the lead in times for ordering scrolls for the recipients. It is also necessary to give advance notice to a number of individuals and invitees.

- 9.2 Should the Council agree the awards, it is proposed to hold an extraordinary meeting of the Council 26 March 2024, to coincide with the borough's 50th anniversary, during which the honorary awards and other celebrations will take place.

10. Conclusions

- 10.1 Runnymede has a tradition of exercising the powers granted by Section 249 to confer honorary titles. To date that power has been exercised on nine occasions to confer titles on eight individuals and one military unit. As explained above it is used to acknowledge the services provided by the recipients to the local community.

11. Background papers

- None.

12. Appendices

- None.