
NON-EXEMPT

EAST HAMPSHIRE DISTRICT COUNCIL/HAVANT BOROUGH COUNCIL

Joint HR Committee

23rd March 2021

Bullying and Harassment Policy

FOR DECISION

Portfolio Holder: Cllr Lulu Bowerman Cabinet Lead and Cllr Nick Drew Portfolio Holder

Key Decision: No

1. Purpose

- 1.1. This paper is submitted to Joint HR Committee for agreement to implement a policy which effectively deals with instances of bullying and harassment in the workplace.

2. Recommendation

- 2.1. Joint HR Committee members are asked to approve the Bullying and Harassment Policy for East Hampshire District Council (EHDC) and Havant Borough Council (HBC). This is set out at Appendix A.

3. Executive Summary

- 3.1. The Councils do not currently have a policy in place which specifically deals with bullying and harassment. This has created difficulties in the way the cases are managed as there has been no clear statement to guide employees on acceptable behaviour. In turn the opportunity for poor working relationships have been increased along with time being spent by Managers on dealing with conflict.
- 3.2. As bullying and harassment is seen to be a major workplace problem in the UK that can make the daily working lives of many workers intolerable it is essential

that we have a policy in place which specifically deals with these types of issues. Workplace bullying can lead to ill-health and work-related stress, it affects morale and because workers affected by bullying may take long periods of sick leave or leave the organisation altogether it can be costly to the organisation too.

- 3.3. There are varying UK statistics on the percentage of employees who have experienced bullying but generally surveys indicate that between 25-30% of employees have experienced workplace bullying¹. In EHDC and HBC since the HR function has returned inhouse (Oct 2019) there have been 3 formal complaints where bullying and/or harassment have been cited. These complaints have been made against managers. Following investigation two of the allegations were unfounded and one was partially upheld. Whilst the Councils do not have a significant issue with workplace bullying, it is still very important that the Councils have a policy in place which deals effectively with these issues should they arise.
- 3.4. Bullying and harassment are often used as interchangeable terms and whilst there are similarities there are also differences. Bullying is defined as the 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'. Harassment is defined in the Equality Act (2010) as the '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 individual²'.
- 3.5. The development of this policy supports the public sector equality duty and ensures that staff have a route to raise issues if they are feeling bullied and/or harassed. There is clear linkage to grievance, code of conduct and equality policies to provide clarity over the day to day expectations of behaviour. It

¹ <https://www.cipd.co.uk/knowledge/fundamentals/relations/disputes/managing-workplace-conflict-report>

² ACAS definition of bullying and harassment

provides a clear route to raise issues and address unacceptable behaviour and ensure unnecessary disengagement is minimised.

4. Additional Budgetary Implications

4.1. None

5. Background and relationship to Corporate Strategy and/or Business Plans

5.1. The policy supports the Councils' values to be a fair employer. The Corporate Strategies highlight the delivery of respect and support for each other, in addition to the wellbeing of our teams. This policy underpins this approach.

6. Resource Implications

6.1. Financial Implications

None directly identified, although robust policies and processes will ensure that any future claims can be managed, and potential costs minimised.

S151 Officer comments

Date: 9.12.2020

This report and policy have been reviewed. There are no further comments to add.

6.2. Human Resources Implications

There are no direct HR implications. This policy will be added to the suite of HR policies. It will ensure that staff have an appropriate route to raise any issues and HR/Management will have the appropriate tools to deal with the matter fairly and swiftly.

6.3. Information Governance Implications

None identified.

Other resource implications

There will be a requirement for communications support to implement the policy across the Councils.

7. Legal Implications

- 7.1. The Equality Act 2010 uses a general definition of harassment that requires the conduct in question to be related to a protected characteristic. Employees can complain of behaviour that they find offensive to an Employment Tribunal even if it is not directed at them as the Employment Tribunal will take into account the context in which the conduct takes place. Unless bullying amounts to conduct defined as harassment in the Equality Act 2010 it is not possible for an employee to make a complaint to an Employment Tribunal about it. If, however, an employee can demonstrate a breakdown in the mutual trust and confidence between employer and employee and as a result resigns, then they are able to make a claim for constructive dismissal on the grounds of breach of contract. For these reasons it is essential that a robust policy is in place which mitigates the risk of tribunal claims.

8. Risks

Monitoring Officer comments

Date: 8.12.2020

Legal have reviewed the attached policy and paper and are content with this. No further legal implications to add.

As detailed above, there are risks of challenges under the Equality Act 2010 if processes which are designed to reduce the risk of bullying and harassment are not sufficiently robust and transparent.

9. Consultation

- 9.1. Unison will be consulted on the policy in line with the usual consultation processes.

10. Communication

10.1. The policy will be communicated to all members of staff via internal channels.

11. Appendices

11.1. Appendix A – Bullying and Harassment Policy

12. Background papers

12.1. None

Agreed and signed off by:

Portfolio Holder: Cllr. Nick Drew 12.03.2021 Cllr. Lulu Bowerman 15.03.2021

Director: Lydia Morrison - 17.12.2020

Monitoring Officer: Daniel Toohey - 10.03.2021

Section 151 Officer: Matthew Tiller – 10.03.2021

Contact Officer:

Name: Fiona Edge

Job Title: HR Advisor

Telephone: 07515 067058

E-Mail: Fiona.edge@havant.gov.uk