

Policy: Dignity at Work

Date of adoption by PC: 1st December 2025

1. PURPOSE AND SCOPE

1.1 Statement: In support of our values and commitment to respect others, Brenchley and Matfield Parish Council will not tolerate bullying or harassment by, or of, any of their employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. Brenchley and Matfield Parish Council will not tolerate defamatory statements, either in written or spoken form by, or of, any of their employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. The council is committed to the elimination of any form of intimidation in the workplace. This policy reflects the spirit in which the council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the council's Grievance and Disciplinary policies.

1.2 Definitions

Bullying – "Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress."

Harassment – is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This policy covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

These definitions are derived from the ACAS guidance on the topic. Both bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, turnover, damage to the council's reputation and ultimately, legal proceedings against the Council and payment of legal fees and potentially unlimited compensation.

Libel – to publish in print, writing or broadcast an untruth about another which will do harm to that person or his/her reputation.

Slander – oral defamation in which someone tells on or more persons an untruth about another which will harm the reputation of the person defamed.

1.3 Examples of unacceptable behaviour are as follows: (this list is not exhaustive)

Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, deliberately undermining a competent worker by overloading work and/or constant criticism, preventing an individual's promotion or training opportunities. Bullying and harassment may occur face-to-face, in meetings, through written communication, including email, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

1.4 Penalties: Bullying and harassment are considered examples of serious misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the council for employees or through referral to the Standard Board of England, as a contravention of the Member's Code of Conduct which may result in penalties against the member concerned. In extreme cases harassment can constitute a criminal offence and the council should take appropriate legal advice, sometimes available from the council's insurer, if such a matter arises.

1.5 The Legal Position: Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal. Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the council and the perpetrator(s) as individual named Respondents. In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination. The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes, for instance; employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the Act.

2. PROCESS FOR DEALING WITH COMPLAINTS OF BULLYING AND HARASSMENT, AND ALLEGED LIBEL AND SLANDER

2.1 Informal approach – Anyone; employee, contractor, member or visitor, who feels he or she is being bullied or harassed, or has suffered libel and/or slanderous comments should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour that their conduct is unacceptable, offensive or causing discomfort.

Written correspondence received by Brenchley and Matfield Parish Council which is deemed to be potentially libellous will be returned to its author and any issues raised in that correspondence will not be considered by the Council. The author will however be given a single opportunity to amend the correspondence and if the subsequent correspondence is considered non libellous any issues raised by the author will then be considered by the Council in the usual manner.

Any issue which is raised in such a manner as to be deemed potentially slanderous, be that direct verbal contact, by telephone, or voice message, will not be considered by the Council.

2.2 Formal approach

2.2.1 Employees: Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Chair of the Personnel Committee or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion with the Councillor, as this will enable the formal Grievance Procedure to be invoked.

2.2.2 Others: Any other party to the council, other than an employee who feels he or she is being bullied or harassed should raise their complaint with a councillor, where possible, or the Monitoring Officer if an informal notification to a member has been unsuccessful at eliminating the problem or where a member is directly involved in the bullying or harassment. The complaint should then be investigated and a hearing held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any members or officers of a council should use the council's official Complaints Procedure.

Section removed as it is covered in the Council's Grievance Policy and Procedure

2.2.3 For **Members** who the council reasonably believe have been bullying or harassing another person(s) whilst undertaking council activities the action taken must be reasonable and in some cases counselling or training in appropriate skill areas eg inter-personal communication, assertiveness, Chairship etc, may be more appropriate than a penalty. The range of disciplinary sanctions available to the council, where a member has been involved in bullying/harassment include: admonishment and an undertaking not to repeat the process, removal of opportunities to further harass/bully, banning from committees of the council and representation on any outside bodies. A referral under the Code of Conduct to the relevant reviewing body is usually an appropriate step and there may be further disciplinary sanctions available as a result of the Standards Committee reviewing the evidence under the Code in place at the time. A referral to the Police under the Protection from Harassment Act 1997 may also be appropriate in the more extreme cases.

2.3 False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure or a referral to the Standards process.

3. RESPONSIBILITIES

All parties to the council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed then each individual can challenge the perpetrator and ask them to stop.

The council undertakes to share its policy with all members and workers and request that each party signs to demonstrate acceptance of its terms. All new members and employees will be provided with a copy of this policy.

A review of the policy shall be undertaken each year (or as appropriate) and necessary amendments will be undertaken by the Clerk and reported to the full council for approval.

4. CONFLICTING SITUATIONS IN THE WORKPLACE

There may, regrettably, be isolated cases of conflict arising between the Council and the Officers and staff from time to time. The majority of these situations tend to arise in the first year after the election of a new Council where there is a predominance of Councillors new to Local Government, and a new Chair is taking up the Office for the first time. This may be further exacerbated where Members who have not served for many years return to Office and lack current knowledge of the law and procedures.

The most important thing to recognise is that for local government to work effectively at this, or for that matter any level, there has to be a partnership between the Chair, and the Clerk to the Council. This relationship is crucial and both parties need to understand the other's role. The Chair needs to remember that his or her powers are constrained by Standing Orders and by the fact that it is the Council and not he or she who is the Clerk to the Council's or other Officers' employers. Indeed, this relationship is held in law to be an implied term in the contract of employment: known as implied mutual trust and confidence.

The Clerk to the Council has to remember that he or she is employed by the Council and owes allegiance to each and every Member collectively. The Chair is, of course, the leader and spokesperson for the Council but he or she cannot go beyond what it is known that the Council will support in carrying out his or her functions.



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It is important that both the Chair and the Clerk to the Council appreciate fully at an early stage each other's functions. Some guidelines should always be in place before either party starts to perform their role. A mutual discussion over the job description may be a good place to start. A mutual affirmation of understanding and support would be a good place to finish.

Where any difficulties between the Clerk to the Council and the Council or individual Councillors become apparent then expert advice should be sought at the earliest possible moment to try and prevent a relationship becoming irreparably harmed. Brenchley and Matfield Parish Council subscribes to Kent Association of Local Councils and also pays the membership fee to the Society of Local Council Clerks for the Parish Clerk.

These all offer a pathway to such expert advice for both the Chair and the Clerk to the Council and all give a clear benefit to the Council and employees. Change is inevitable: much brought about by changes in legislation that impact on the smallest Local Council as on the largest. The Officers must be prepared to accept changes in working practice and all lawful requests.

5. USEFUL CONTACTS

ACAS www.acas.org.uk Tel 0845 7474747

SLCC www.slcc.co.uk

KALC www.kentalc.gov.uk

DirectGov website www.GOV.uk



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Civility and Respect Statement

The Council agrees the following statements:

- Our council has agreed that it will treat all councillors, the Clerk and all employees, members of the public, representatives of partner organisations, and volunteers, with civility and respect in their role.
- Our council has signed up to a Code of Conduct for councillors
- Our council has good governance arrangements in place including, staff contracts, and this Dignity at Work policy.
- Our council will commit to seeking professional help in the early stages should civility and respect issues arise.
- Our council will commit to calling out bullying and harassment when it happens.