

## APPENDIX 3

### BULLYING AND HARASSMENT

High Peak Borough Council has an Equalities and Diversity Policy to which it is fully committed. It wishes to ensure that both members and officers work within a supportive, safe, hostile-free environment, where each individual is afforded dignity and respect.

Each individual is different. The Council values these differences and the contribution that they make in helping to create an organisation capable of serving the High Peak in many complex and diverse ways.

Unfortunately, differences can also provide a trigger for various forms of harassment including bullying.

Where individuals are subjected to harassment, they are often reluctant to complain. They may be too embarrassed or unsure as to how to make a complaint, or concerned that it will not be taken seriously. They may fear reprisals or victimisation. People in this situation probably want to avoid attention being focused on them; they just want the unwelcome behaviour to stop, so they suffer in silence. The consequences may be serious. For the individual concerned, harassment can lead to fear, stress and anxiety that in turn may put strains on family and personal life and result in illness.

#### DEFINITION

There is not, and probably cannot be, a single simple definition. This is because harassment takes many forms, occurs on a variety of grounds and may be directed at an individual or group of individuals. Harassment may be unintentional but it is not the intention of the perpetrator **but the action itself and the impact on the recipient** which are the important factors.

People can be subject to harassment on a wide variety of grounds including:

- their race, ethnic origin, nationality or skin colour;
- their sex or sexual orientation;
- their disabilities, sensory impairments, or learning difficulties;
- their willingness to challenge harassment, leading to victimisation.

This list is not exhaustive. Anyone who is perceived as different, or who is in a minority, or who lacks power within the organisation is vulnerable.

Harassment may also take many forms. It can range from extreme forms such as violence to less obvious actions like ignoring someone. Whatever the form of harassment it will be behaviour that is unwelcome and unpleasant. Forms of harassment may include:

- threats both verbal or physical;
- actual or apprehended physical contact;
- verbal and written abuse whether by e-mail or text messages, such as jokes, offensive language, sarcasm, insulting innuendo, belittling remarks, personal remarks or criticism especially in front of or copied to others;
- repeated unreasonable requests (hounding);
- visual displays eg posters, graffiti, obscene gestures;
- isolating or ignoring an individual;
- non-co-operation or exclusion;
- coercion, including pressure for sexual favours;
- intrusion by pestering, spying, following;
- any conduct that gives offence or causes embarrassment or humiliation.

## **BULLYING**

Bullying has been defined as:

'Persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair penal sanctions, which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which causes them to suffer stress.'

Wherever there is a difference in power, there is the potential for that power to be abused. Members should, therefore, be aware that their position as members may mean some, particularly more junior, officers feel overawed and at a disadvantage.

In such a situation, it is easy for an assertive member to appear to be applying undue pressure. An assertive style on its own will not constitute bullying. However, where actions taken are unreasonable in the circumstances and where it can be shown that the effect has been to undermine dignity and respect, the member may well be guilty of bullying.

Calling for the disciplining of an officer in front of their colleagues (whether verbally or by e-mail, text message or correspondence) or setting impossible deadlines may fall within the definition of bullying, more so where they form a particular behaviour pattern.

## **THE LAW ON HARASSMENT**

Under the Protection from Harassment Act 1997, anyone found guilty of a course of conduct which amounts to harassment will be liable to imprisonment for up to six months and/or to a fine of up to £5000 (where such conduct leads to a fear of violence being used, the term of imprisonment may be for up to five years). The definition of harassment under the Act includes "alarming the person or causing the person distress". The definition of conduct includes "speech".

## **DEALING WITH HARASSMENT**

### **Informal Action**

In many instances, conduct that may amount to harassment is often not intended to cause offence, but occurs because of a lack of awareness of other peoples' feelings. It is important therefore that, if at all possible, the individual who feels harassed makes their feelings known and asks the harasser to stop. Where this happens and the offensive behaviour continues, the harasser will not be able to claim that they were unaware of the effects of their behaviour.

Notes should be kept of the behaviour complained about, including dates, times, what was said, etc.

### **Formal Action**

If informal action does not result in the harassment ceasing, or where it is considered that more serious harassment has taken place, the individual should make a complaint in writing to the Monitoring Officer. The complaint will be investigated and, depending on the outcome, may be either referred to the Standards Board for England (if a breach of the Code of Conduct has occurred) and/or to the Standards Committee.