



Wimblington & Stonea
Parish Council

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Policy Document: Dignity at Work

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Contents

Introduction	4
Overview	5
Purpose	5
Scope.....	6
Managers	6
Bullying and Harassment & Performance Management	6
The position on bullying and harassment.....	8
What type of treatment amounts to Bullying or Harassment?	9
Victimisation	11
False Allegations	11
Reporting Concerns.....	11
What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)	11
What you should do if you feel you are being bullied or harassed by a councillor.....	11
What you should do if you witness an incident you believe to harassment or bullying	12
What you should do if you are being bullied or harassed by another member of staff	12
Informal Resolution	13
Formal Resolution	14
The use of Disciplinary Procedures	15
Appendix – Guidance for using the Dignity at Work policy	16
Notes.....	17
Protected Characteristics.....	17
Legal Risks	18
Culture and behaviour	18

Introduction

The Purpose of this document is to define and describe the Dignity at Work Policy that has been adopted by Wimblington & Stonea Parish Council.

This policy document will be reviewed by members of Wimblington & Stonea Parish Council and updated or amended where necessary.

Overview

Wimblington & Stonea Parish Council believes that civility and respect are important in the working environment, and expect all councillors, officers and the public to be polite and courteous when working for, and with the council.

Purpose

Wimblington & Stonea Parish Council is committed to creating a working environment where all council employees, councillors, contractors and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy.

We aim to create a workplace where there is zero tolerance for harassment and bullying.

In support of this objective, Wimblington & Stonea Parish Council has signed up to the Civility Pledge, as a commitment to civility and respect in our work, and politeness and courtesy in behaviour, speech, and in the written word.

Further information about the Civility and Respect Pledge is available NALC & SLCC.

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- Explains how we will respond to complaints of bullying or harassment;
- Ensures that we respond sensitively and promptly; and,
- Supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

Scope

This policy covers bullying and harassment of and by clerks/chief officers, councillors and all employees engaged to work for Wimblington & Stonea Parish Council.

Should agency staff, or contractors have a complaint connected to their engagement with the Council this should be raised to their nominated contact, manager, or the Chair of the Council, in the first instance.

Should the complaint be about the chair of the council the complaint should be raised to the Vice chair or clerk.

Agency staff, or contractors are equally expected to treat council colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the council's grievance policy. It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

Managers

Recognising that councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the clerk/chief officer, another employee of the council, or a councillor depending on the situation.

It is good practice to have a clearly identified person who is the responsible 'line manager' or equivalent contact for an employee so that there is clarity on how the employee should report concerns to, who they notify if they are sick or to request leave etc.

More often for council employees this may be the clerk/chief officer, and for the clerk/chief officer this could be the chair/deputy Chair, or possibly chair of a staffing/personnel committee.

Bullying and Harassment & Performance Management

Bullying and harassment does not include appropriate criticism of an employee's behaviour or effective, robust performance management.

It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing.

It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls.

There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

The position on bullying and harassment

All staff and council representatives are entitled to dignity, respect and courtesy within the workplace, or council proceedings, and to not experience any form of discrimination.

Wimblington & Stonea Parish Council will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not.

Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying.

You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, civility and respect pledge, equality opportunities policy, and all other policies and procedures set by the Council.

We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously.

Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process.

Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals.

Staff and others have a responsibility not to make false allegations.

While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.

What type of treatment amounts to Bullying or Harassment?

Harassment	• Where a person is subject to uninvited conduct that violates their dignity, in connection with a protected characteristic • Behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic
Bullying	• Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.

‘Bullying’ or ‘harassment’ are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person’s dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault;
- Unwelcome sexual advances;
- The offer of rewards for going along with sexual advances e.g. promotion, access to training;
- Threats for rejecting sexual advances;
- Demeaning comments about a person’s appearance;
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation;
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation;
- Spreading malicious rumours or insulting someone;
- Lewd or suggestive comments or gestures;
- Deliberate exclusion from conversations, work activities or social activities;
- Withholding information a person needs in order to do their job;
- Practical jokes, initiation ceremonies or inappropriate birthday rituals;
- Physical abuse such as hitting, pushing or jostling;
- Rifling through, hiding or damaging personal property;
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person;
- Isolation or non-cooperation at work;
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and/or in front of others;
- The use of obscene gestures, and
- Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions, but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend.

We all have the right to determine what offends us.

Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear; however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic (such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due to their association with someone else (such as harassment related to their partner having a disability for example). See the council's equality and diversity Policy.

All councillors and employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

Victimisation

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint.

This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

False Allegations

If an individual makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure.

Such an allegation would be potentially be gross misconduct.

Reporting Concerns

What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the clerk/or a councillor.

Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

What you should do if you feel you are being bullied or harassed by a councillor

If you are being bullied or harassed by a councillor, please raise this with the clerk/chief officer or the chair of the council in the first instance.

They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal.

The Informal Resolution is described below.

Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

The council will consider reasonable measures to protect your health and safety.

Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

What you should do if you witness an incident you believe to harassment or bullying

If you witness such behaviour, you should report the incident in confidence to the clerk/chief officer or a councillor.

Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you are being bullied or harassed by another member of staff

If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

Informal Resolution

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council's policy and must stop.

Alternatively, you may wish to ask the clerk/chief officer, your nominated manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you should raise the issue with the chair of the council. (If your concern relates to the chair, you should raise it with the parish clerk).

The chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- There has been a complaint that their behaviour is having an adverse effect on a member of the council staff;
- Such behaviour is contrary to our policy, and
- For employees, the continuation of such behaviour could amount to a serious disciplinary offence.

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want.

The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem.

The chair (or another appropriate person) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions.

However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally.

We will consult with you before taking this step.

Formal Resolution

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council's grievance procedure.

You should raise your complaint to the clerk/chief officer or the chair of the council.

A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The clerk/chief officer or the chair of the council will appoint someone to investigate your complaint in line with the grievance policy. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s);
- The nature of the harassment or bullying;
- The dates and times the harassment or bullying occurred;
- The names of any witnesses, and
- Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly.

However, we will carry out the investigation as confidentially and sensitively as possible.

Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer.

The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds. Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially.

When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

The council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you.

Depending on the nature of the allegations, the Investigator may want to meet with you to understand better your complaint (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome.

You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision.

Your appeal will be heard under the appeal process that is described in the grievance procedure.

The use of Disciplinary Procedures

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure.

We will keep you informed of the outcome.

Appendix – Guidance for using the Dignity at Work policy

This is an example of an employment policy designed for a council adhering to statutory minimum requirements and does not constitute legal advice.

As with all policies it should be consistent with your terms and conditions of employment.

This guidance is provided to support understanding of the policy, and its application, as well as where local adaptations may be required.

It is important that any commitment made in the policy is applied in practice.

Wording has been suggested to demonstrate a council's commitment to promoting dignity and respect where they have signed up to the NALC, SLCC and OVW Civility and Respect Pledge. Council's that have not signed up to this are requested to consider making this pledge which is based on basic behaviours and expectations of all council representatives to create workplaces that allow people to maintain their dignity at all times.

If your council has not agreed to the pledge this wording should be removed.

The policy is drafted with consideration of employment language and terminology that is reflective of a modern working environment, setting a tone that is engaging, collaborative and inclusive.

A council may want to update references where relevant to reflect local terminology and structure, however should be considerate of equality, diversity and inclusion.

The examples of bullying and harassment are just that – examples. This should not be considered an exhaustive list.

Notes

Protected Characteristics

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership.

It is unlawful to discriminate against an individual because of any of the protected characteristics.

Discrimination includes treating people differently because of a protected characteristic.

Employees can complain of harassment even if the behaviour in question is not directed at them.

This is because the complainant does not actually need to possess the relevant protected characteristic.

An employee can complain of unlawful harassment if they are related someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

Examples of harassment related to a protected characteristic could include;

- Making assumptions about someone's ability due to their age, or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age;
- Making fun or mimicking impairments related to a health condition, or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a disability to participate in;
- Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of gender reassignment;
- Pregnancy/Maternity harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant person's stomach;
- Harassment based on race could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone's lifestyle based on their ethnicity;
- Gender harassment could include not considering people for a job based on gender stereotyping roles, or implementing practices that disadvantage one gender over another. Rude, explicit jokes, even if not directed at an individual, or comments on individuals dress or appearance;
- Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on religion/belief;
- Excluding same sex partners from social events could be both sexual orientation and marriage/civil partnership discrimination, as could not offering the same work-related benefits.

A person does not need to be employed or have 2 years qualifying service to make a discrimination claim at a tribunal.

Job applicants who believe they have not been appointed because of a 'protected characteristic' can make a claim.

New or established employees who are dismissed, or treated unreasonably because of a health condition can make a discrimination claim.

An employee subjected to harassment can make a discrimination claim at a tribunal.

An employee asked to retire can make a discrimination claim at a tribunal.

Legal Risks

Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.

A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.

The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

Culture and behaviour

We work in eclectic communities and working environments, and a positive culture within the council enables employees with different backgrounds and beliefs to share ideas and shape how the council achieves its objectives for their community.

It is important to recognise that different individuals may find different behaviours bullying or harassing so while there is not always intent to offend or cause harm, that does not mean that the effect of the behaviour has not caused harm or offence.

It can take people a period of time to decide to raise their concerns, as they worry about consequences (perhaps from peers by complaining about a colleague who is popular, or they fear victimisation from the perpetrator or others).

The council should consider whether there are opportunities (such as 1-2-1's to offer opportunity to reflect on relationships/morale) to identify issues earlier and address negative behaviours.

Individuals can often mention concerns they are experiencing but not want to take it further.

The council should remind the complainant that it has a zero tolerance to bullying and harassment and remind them of the policy in place to address concerns.

If the allegations mentioned are significant, the council may want to suggest that it will need to investigate further, even if a 'grievance' is not raised, so as to ensure that any concerns and risks are managed, and the council is meeting its responsibilities and duty of care as an employer.

Whilst both staff and councillors jointly determine the working culture, councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.