

Bullying and Harassment a Practical Guide

Bullying and harassment is a serious issue that can have a disastrous impact on an individual's mental health and wellbeing and their ability to carry out their work or duties.

If you have been subject to or have observed bullying the following flowcharts will help you to deal with it in a practical way.

Section 1

Clerk to Councillor(s)

Clerk is an Employee of Council

Identify cause.

Councillors make a complaint to full council or delegated Sub-Committee with appropriate powers/terms of reference to investigate.

(e.g., disagreement with work of Clerk, personal disagreements.)

Create a Folder (Audit Trail)

The Council / Sub Cttee's record of the complaint needs to include the following:

- The Councillor(s') complaint.
- Minutes of the Council/Sub-Committee which received the complaint and the decisions taken to address it.
Ensure minutes include details of councillors appointed to undertake any informal or formal investigations.
- Letter of invitation to the Employee to attend an Informal Investigatory meeting.
- Transcript of the informal meeting, signed by all present
- Minutes of the subsequent Council/sub-committee meeting at which a decision is taken as to what should happen next
- Letter of invitation to a Formal Disciplinary Hearing, should that be deemed necessary by the Council / Sub Cttee.
- Transcript of the Disciplinary Hearing.
- The Formal outcome letter.
- Details of any subsequent Appeals conducted by the Full Council

The above details must be sorted securely as they may be needed by the Council as evidence in any subsequent legal action by the Employee.

Keep copies of **ALL** communications, including: -

Emails, Social Media posts (Take Screenshots for folder.)

Phone calls (Date, time, duration & contemporaneous notes.)

You **MUST** advise complainant you are keeping record (GDPR)

Follow HR procedures in Standing Orders.

The Council needs to make sure that its Formal Disciplinary procedure is up to date and fit for purpose. i.e., it identifies which bodies have authority to carry out what action and the appropriate terms of reference are in place.

Identify which policy to enact, e.g., bullying & harassment, vexatious behaviour, dignity at work, code of conduct. This will guide you in next step to take.

1. No further action necessary.
2. Issue verbal warning.
3. Issue written warning.
4. Dismissal.

Both parties should be informed of the outcome in writing.

Ensure policies are fit for purpose and followed to the letter.

Additional Support

County Association (Norfolk ALC) and its HR Adviser, District Council, including HR and the Monitoring Officer (MO), ALCC/SLCC, NALC. Police.

You may share your audit trail as necessary

Desired Outcome

To achieve a good working relationship

Section 2

Councillor(s) to Clerk

Clerk is an Employee of Council

Identify cause.

Contained within the employee's complaint about the councillor(s)' conduct.

(e.g., disagreement with decisions taken by the council, personal disagreements.)

Create a Folder (Audit Trail)

The Council / Sub Cttee's record of the employee's complaint needs to include the following:

- The employee(s') complaint.
- Minutes of the Council/Sub-Committee which received the complaint and the decisions taken to address it.
Ensure minutes include details of councillors appointed to undertake any informal or formal investigations.
- Letter of invitation to the Councillor to attend an Informal Investigatory meeting.
- Transcript of the informal meeting, signed by all present
- Minutes of the subsequent Council/sub-committee meeting at which a decision is taken as to what should happen next
- Referral details to the Monitoring Officer if the Investigatory Panel find that some or all of the complaint is concerned with the Code of Conduct.
- Letter of invitation to a Formal Grievance Hearing, if some or all of the complaint is concerned with internal matter which the Council can address.
- Transcript of the Grievance Hearing.
- The Formal outcome letter.
- Details of any subsequent Appeals conducted by the Full Council

The above details must be sorted securely as they may be needed by the Council as evidence in any subsequent legal action by the Councillor.

Keep copies of **ALL** communications, including: -
Emails, Social Media posts (Take Screenshots for folder.)
Phone calls (Date, time, duration & contemporaneous notes.)

You **MUST** advise complainant you are keeping record (GDPR)

Follow HR procedures in Standing Orders.

The Council needs to make sure that its Formal Grievance procedure is up to date following the *Ledbury* decision at the Supreme Court, and fit for purpose. i.e., it identifies which bodies have authority to carry out what action and the appropriate terms of reference are in place.

Identify which policy to enact, e.g., bullying & harassment, vexatious behaviour, dignity at work, code of conduct. This will guide you in next step to take.

1. No further action necessary.
2. Issue verbal warning.
3. Issue written warning.

Both parties should be informed of the outcome in writing.

Additional Support

County Association (Norfolk ALC) and its HR Adviser, District Council, including HR and the Monitoring Officer (MO), ALCC/SLCC, NALC. Police.

Additional Information

An Elected Councillor cannot be removed during their term unless they commit Fraud.

They can be removed from a meeting if they are abusive, or meeting can be stopped.

Section 3

Member of the public to clerk and/or councillor(s)

Identify cause.

Contained within the complaint about the member of the public's conduct.

(e.g., disagreement with decisions taken by the council, personal disagreements, behaviour at meetings, social media activity.)

Create a Folder (Audit Trail)

The Council / Sub Cttee's record of the complaint needs to include the following:

- The substance of the complaint(s).
- Minutes of the Council/Sub-Committee which received the complaint and the decisions taken to address it.
Ensure minutes include details of councillors appointed to undertake any informal or formal investigations.
- Minutes of the subsequent Council/sub-committee meeting at which a decision is taken as to what should happen next
- The Formal outcome letter.

The above details must be sorted securely as they may be needed by the Council as evidence in any subsequent legal action.

Keep copies of **ALL** communications, including: -

Emails, Social Media posts (Take Screenshots for folder.)

Phone calls (Date, time, duration & contemporaneous notes.)

You **MUST** advise complainant you are keeping record (GDPR)

Follow procedures in Standing Orders.

The Council needs to make sure that its procedures are up to date following the *Ledbury* decision at the Supreme Court, and fit for purpose. i.e., it identifies which bodies have authority to carry out what action and the appropriate terms of reference are in place.

Identify which policy the alleged behaviour is in breach of and the manner in which it has or in which it is anticipated it will, impact on the ability of the council to perform its duties and functions; e.g., bullying & harassment, vexatious behaviour, dignity at work, code of conduct. This will guide you in next step to take.

Both parties should be informed of the outcome in writing.

Additional Support

County Association (Norfolk ALC) and its Advisers, District Council, ALCC/SLCC, NALC. Police.