

Castle Cary Town Council

Dignity at Work: Bullying and Harassment_Policy

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1. PURPOSE AND SCOPE

In support of our value to respect others, Castle Cary Town Council (CCTC) will not tolerate bullying or harassment by, or of, any of its employees, councillors, contractors, or visitors / members of the public. CCTC is committed to the elimination of any form of intimidation in the workplace.

This policy reflects the spirit in which CCTC intends to undertake all business and outlines the specific procedures available to all employees, and individuals with whom we have contact, to protect them from bullying and harassment. It should be read in conjunction with the following documents:

- CCTC Grievance and Disciplinary Procedures
- Member and Employee Protocol
- Councillors Code of Conduct
- Civility and Respect Pledge

The Council will issue this policy to all employees and Councillors as part of their induction. The policy will also be accessible to all contractors and members of the public via the CCTC website.

2. DEFINITIONS

“Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour, an abuse of the 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.” (ACAS bullying and harassment guidance)

Harassment is “unwanted conduct that violates a persons dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.” (ACAS bullying and harassment guidance)

Harassment in the context of this policy includes, but is not limited to, the 9 protected characteristics defined by the UK Equalities Act 2010:

1. Age
2. Disability
3. Gender reassignment
4. Marriage and civil partnership
5. Pregnancy and maternity
6. Race
7. Religion or belief
8. Sex
9. Sexual orientation

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Bullying and harassment are behaviours which are unwanted by the recipient. Bullying can be a one-off incident or a pattern of conduct that undermines and / or questions an individual's ability, whereas harassment is generally evidenced by a pattern of conduct.

Bullying and harassment in the workplace can lead to:

- Reduced morale
- Mental health issues
- Increased staff sickness
- Reduced productivity and performance
- A negative impact on recruitment and retention of staff
- Damage to the reputation of CCTC
- Legal proceedings, leading to increased financial costs for legal fees and potential compensation.

Examples of unacceptable behaviour include, but are not limited to:

- Spreading malicious rumours
- Verbal insults
- Ridiculing or demeaning another individual
- Exclusion
- Victimisation
- Unfair or biased treatment (e.g.: accessing training opportunities or promotion)
- Overbearing supervision
- Misuse of position or power
- Unwelcome sexual advances
- Making threats about job security
- Threats or acts of physical or verbal aggression against an individual or someone they are close to
- Undermining a worker (eg: unconstructive criticism or unmanageable workload expectations)
- Blaming a person for mistake(s) not caused by them

Bullying and harassment may occur face-to-face, in meetings, through written / electronic communication, on social media, by telephone, or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

3. PENALTIES

Bullying and harassment by an employed person can be considered as examples of gross misconduct which will be dealt with through the Disciplinary Procedure as Gross Misconduct level and may result in summary dismissal from the CCTC.

Bullying or harassment of employees, contractors, councillors, or others, by a CCTC Councillor should be reported via the Civility pledge and / or a contravention of the Code of Conduct.

If an employee is experiencing bullying or harassment from a third party, CCTC will act reasonably in upholding its duty of care towards its own employees.

Extreme cases of bullying or harassment can constitute a criminal offence; when this occurs, CCTC will take legal advice to ensure the situation is appropriately managed. CCTC will also fully support and engage with any resulting investigations.

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Where CCTC reasonably believes that a Councillor has bullied or harassed another person(s) whilst undertaking Council activities, the resulting actions by CCTC must be reasonable, proportionate to the situation, and not intended to be punitive. Available sanctions include:

- Training in appropriate skills (eg interpersonal communication, assertiveness, chairing meetings)
- Admonishment
- Issuing an apology and giving an undertaking not to repeat the behaviour
- Removal of opportunities to further bully / harass, such as removal from a committee where direct contact with an individual who has made the complaint, or decision-making about that individual, will take place. This may also include removing the right to represent CCTC at external meetings where contact with the individual cannot be avoided.
- Counselling
- This list is not exhaustive

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 because of the Standards Committee (England) or Ombudsman reviewing the evidence under the Code in place at the time.

A referral to the Police under the Protection from Harassment Act 1997 / Equalities Act 2010 may be required in extreme cases.

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

4 LEGAL POSITIONS

Councils have a duty of care towards all their employees, 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 regarding 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.

Bullying or harassment related to one of the 9 protected characteristics covered by the Equalities Act 2010 (as listed previously) constitute unlawful discrimination which could lead to an unlawful discrimination claim against CCTC as an employer, and the perpetrator(s) as individually named.

5. PROCESS FOR DEALING WITH COMPLAINTS OF BULLYING AND HARASSMENT

5.1 Informal approach

In the first instance, any individual who feels bullied or harassed, regardless of their role or association with CCTC, should be encouraged to try to resolve the problem informally where possible. It may be sufficient to explain to the person(s) exhibiting the unwanted behaviour, either personally or via an intermediary, verbally or in writing, that their conduct is causing discomfort, is unacceptable, and / or is offensive, and to ask them to desist.

5.2 Formal approach:

- Employees

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Where an employee feels unable to resolve the matter informally or where an informal approach has not resolved the issue, any complaint about harassment or bullying can be raised under the aegis of the Grievance Procedure. It can then be reported to the Monitoring Officer at Somerset Council.

monitoringofficer@somerset.gov.uk

- **Non-employed individuals**
Any other individual who feels they are being bullied or harassed and has been, or feels, unable to address the matter informally, should raise their complaint in writing to the Chair of CCTC. The complaint should be thoroughly investigated, and a meeting held to discuss the facts and recommend a way forward.

It is important that the employee or councillor being complained about does not prevent CCTC from operating impartially in its investigation and decision making in this regard.

6. RESPONSIBILITIES

All employees and councillors of CCTC are responsible for ensuring that their conduct does not harass, bully, or in any way demean the dignity of other individuals or groups of people. This includes, but is not limited to, criticising CCTC colleagues or other individuals without objective evidence or mandate from the corporate body of CCTC, and in environments which are not confidential, such as those which are open to the public or other employees, including the use of social media and blogs etc.

If unacceptable behaviour is observed, then everyone can and should challenge the perpetrator and ask them to stop.

There needs to be agreement about how “robust people management” and “bullying” differ. Effective management of performance will usually include constructive feedback based on objective evidence, delivered by a committee specifically designated and appropriately trained to manage and appraise staff, with dialogue occurring on a face-to-face basis in confidential surroundings.

CCTC will provide a copy of this policy to all councillors and employees. All parties will be asked to sign the policy to demonstrate acceptance of its terms.

A review of the policy shall be undertaken annually, or at a frequency deemed appropriate by CCTC. The Town Clerk will be responsible for making any necessary amendments and for reporting back to the full CCTC for approval.

CCTC undertakes to ensure that all councillors and employees are trained in the processes required by this policy.

7. USEFUL CONTACTS

ACAS (Advisor, Conciliation and Arbitration Service)

www.acas.org.uk

Tel: 0845 747 4747

Local Government Ombudsman for England

Tel: 0300 061 0614

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Equalities and Human Rights Commission
www.equalityhumanrights.com

SLCC (Society of Local Council Clerks)
www.slcc.co.uk

NALC (National Association of Local Councils)
www.nalc.gov.uk