



## **Transformation & Improvement Overview and Scrutiny Committee**

### **Report of the Bullying & Harassment Policy Task and Finish Group**

19 February 2024

## **Acknowledgments**

The Chair and group members would like to express their thanks to the Human Resources and Organisational Development Team within the Council on their extensive work and support undertaken over recent months in support of the Task and Finish Group objectives.

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## 1. Context

Shropshire Council's aim is to provide a working environment that respects the rights of each individual employee and where colleagues treat each other with the utmost respect. Any behaviour that undermines this aim is totally unacceptable.

The organisation deplores all forms of harassment, bullying, victimisation and / or discrimination from staff, members of the community, third-party organisations, members or senior officers. This will not be tolerated under any circumstance and if in the unfortunate event of any unacceptable behaviours then appropriate formal policies and procedures will be revoked which for members of the community may see access to services being reduced or removed.

Following the outcome of a Local Government and Social Care Ombudsman case in 2023, members asked for a review of council policy relating to employee Bullying & Harassment to ensure members of staff are adequately supported in the event of unwanted and persistent behaviour from members of the public, contractors and/or members of staff.

There are a number of routes concerns relating to harassment and bullying can be brought to HR, management and senior officers' attention:

1. Formal complaint via the Bullying and Harassment policy – this policy is for staff complaints. However, reference to third party and Member harassment and bullying is also mentioned and signposted
2. Whistleblowing policy - this policy is provided for use by staff of the council to raise concerns anonymously.
3. Employee raising concern to their manager of customer/service user harassment and bullying
4. Corporate complaints procedure

The council already has an Unreasonably Persistent and Vexatious Customers policy, Harassment and Bullying and Whistleblowing policy that are aligned to each other to support staff when dealing with such situations/incidents.

Expectations and the needs from the community in what the council can deliver is evolving and increasing, this is a direct conflict with reduced budget and available capacity. This creates unnecessary demand in that the council cannot always fulfil the expectations of the public. This unfortunately leads to unhappy individuals contacting officers and the council on a persistent basis and sometimes leading to inappropriate behaviour. It is acknowledged this type of dialogue can also have an impact on individuals who experience mental health problems, and this can be exacerbated in how individuals respond and behave towards each other.

Staff feeling supported by the employer forms part of their employment contract. Having appropriate policies in place whilst staff are undertaking their duties is fundamental to us Getting it Right (GiR). This is to ensure that the Council is doing all

it can to ensure staff are supported and enabled to carry out their work to the best of their abilities and good outcomes for people and communities are realised

## **2. Scope of the work**

The remit of this task and finish group was to review the Bullying and Harassment policy applicable to staff within the council (excluding school-based staff), to ensure any applicable learning from the above case is considered as well as emerging trends and initiatives. (NB: School-based staff have been excluded due to schools having their own reporting mechanisms and policies)

## **3. Objectives**

The task and finish group

1. review the current Employee Bullying & Harassment policy and discuss/propose amendments and enhancements to the policy.
2. understand and consider how the Unreasonably Persistent and Vexatious Customers policy, Harassment and Bullying and Whistleblowing policy are directly aligned and reporting mechanisms are followed and reported.
3. review best practice, policy, benchmarking and advice from other Local Authorities, West Midlands Employers and professional bodies i.e. Chartered Institute of Personnel & Development (CIPD) to inform proposals.
4. provide evidence-based recommendations to Transformation and Improvement Scrutiny Committee at the next available meeting.

The recommendations from this work related to the policy will then be put forward to the Employee Joint Consultative Committee (EJCC) for final sign off (in line with the employee policy sign off arrangements outlined in the constitution).

#### **4. What has the Task and Finish group done?**

Members of the group undertook a range of activities to develop their understanding of the Council's current Bullying & Harassment policy and to identify opportunities to develop it further. This included:

- ensuring that applicable learning from other areas and from the Ombudsman outcome is adequately reflected within the policy.
- alignment to the Council's Unreasonably Persistent and Vexatious Customers policy.
- benchmarking policies with other local authority policies was also undertaken, and
- research with the CIPD to inform recommendations.

In summary these are:

- a) The organisation's approach to harassment and bullying relating to mental health and
- b) mental health conditions with examples of personal bullying behaviour related to mental health
- c) Covers examples of behaviours, legalisation and also impact of Bullying and Harassment on the organisation, e.g. low morale, absenteeism etc
- d) Indicates some employers have Harassment Advisors as an additional support – similar to Council Domestic Abuse support role
- e) Term of subtle workplace bullying – gaslighting and how to spot it
- f) Specific policy detailing how to deal with third party harassment

A feedback survey was distributed to staff during Anti bullying week 13th – 17th November with the theme being 'Make a noise about bullying'. The survey included a joint statement from Ash Silverstone, Branch Secretary of UNISON Shropshire to reinforce the council and trade union position and commitment in dealing with Bullying and Harassment. The feedback survey was confidential and sought to understand employee experiences and inform how the council can further support employees.

From analysing the feedback any suggested improvements have been reviewed and where applicable incorporated into the policy. Findings are set out in section 5.1 below.

Members recognised this policy is for staff and as part of the recommendation in section 7 below will be requesting a review of the Member's policy.

## 5. Key Findings

Shropshire Council has a number of robust policies (section 3, point 2) to support staff in the unlikely event of Bullying and Harassment from any party. The Bullying and Harassment policy is known amongst the region to be thorough and supportive. This is routinely shared amongst employer and Trade Union representatives.

### 5.1 Survey

Following the launch of the Dignity and Respect Feedback survey which was communicated out to staff via the Chief Executive newsletter, staff intranet news, communication at meetings and via UNISON communication channels.

A small number of responses (0.36% of non-school Council staff) were received and whilst this not ideal, it was a voluntary feedback survey for those wishing to partake. Based on the number of formal Bullying and Harassment cases (2) in the last year the response rate appears to be broadly reflective of the number of cases.

The task and finish group discussed the number of responses received and identified that it would be difficult to draw any firm conclusions because there were different perspectives that could be reached, e.g.

- that there is a Bullying and Harassment issue within the Council and employees are scared to feedback, to
- that the code of conduct, council values, policies, expected behaviours, the routes to dealing with such issues, and the support services available to staff means that the number of incidents is low and those that do occur are dealt with promptly.

Responses detailed a wide range of experiences from behaviours experienced to the different perpetrators i.e. employee, managers, service users and members of the public.

The majority of respondents had either read or knew where to find the Council's Bullying and Harassment policy should they require to access it. Despite understanding the policy, there were some barriers to reporting bullying, harassment, misconduct or discrimination that were identified, the top 3 barriers identified included:

- concern about personal impact or repercussions,
- not being confident that the concern would be addressed; and
- having raised a concern before and it not being listened to.

Concerns had either been raised with the employee's line manager, HR, a Support Officer, and/or Trade Union, and others including occupational health and executive management team.

It was apparent that survey respondents reported having experienced unacceptable behaviours in multiple environments. Respondents mostly reported experiencing unacceptable behaviours taking place either in an office/fixed environment or during a face-to-face meeting with internal attendees. However, respondents also reported experiencing unacceptable behaviours taking place in online meetings with internal attendees, as well as in external environments such as a service user's home.

Respondents fed back that the bullying, discriminatory, harassing or victimising behaviours they experience were exhibited by a range of people and roles. Most respondents shared experiencing unacceptable behaviour from an employee or manager. It was also apparent that respondents also experienced unacceptable behaviour from a third party (external partner, customer or service user).

Feedback was well balanced with respondents providing examples of positive action including having received support from their line manager and a senior HR officer, as well as good support from a support officer. Respondents highlighted incidents had been dealt with very rapidly by the overseeing manager, citing that the manager had spoken to all parties, with immediate and interim solutions offered and supported. Sometimes just feeling heard, even if not agreed with, was shared as helping to make someone feel better about their work environment.

Respondents suggested a number of improvements that could be made by the Council as an employer when dealing with concerns of unacceptable behaviour. Notably increased learning and development opportunities for both employees and managers, advice when encountering unacceptable behaviour to ensuring investigations are independent, progressed and concluded more quickly, alongside a better support offer and communications.

Some specific improvements included:

- A zero-tolerance approach that should be more robustly adopted by the Council and be more widely publicised to the public;
- a case tracking system to demonstrate and evidence that concerns had been taken seriously, followed up on, and that concerns were not brushed aside even if it was not always possible to expediate cases.

Respondents also referenced that the customer/service user is not always right and that senior managers should take responsibility for particularly challenging individuals and also that they had a role in reinforcing acceptable behaviours of Councillors.

## **5.2 Policy Changes**

Proposed changes to the Bullying and Harassment policy have been discussed and recommended based on the learning from the Ombudsman case, best practice



research, benchmarking our policy with regional and national local authorities and the feedback survey. These include enhancing unacceptable behaviours including gas lighting, cyber bullying and social media and enhancements to dealing with third party harassment.

These proposed changes are to further support staff and managers in understanding the council position and standards expected of all. These proposals were discussed at length at Policy Forum held between Shropshire Council and Trade Unions on 9th January 2024 and has been indicatively approved subject to Employee Joint Consultative Committee (EJCC) sign off in April

The main policy changes proposed include:

**Dignity and respect** - A greater emphasis on every colleagues right to be treated with dignity and respect at work therefore including discrimination and victimisation within the policy and information to support employees when faced with unreasonably persistent and vexatious behaviour.

**Equality and Legal Framework** – The Councils Bullying & Harassment policy is underpinned by a complex legal framework amongst which includes The Equality Act 2010 and Health and Safety at Work Act 1974.

Additional Section 19 - Equality not only details responsibilities under the Equality Act, it also highlights the Councils responsibility under the Public Sector Equality duty, linking and signposting readers to the Councils' Equality Policy.

Additional Section 23 – Legal Framework aims to evidence the complexity and the serious nature of a lack of dignity and respect at work due to bullying, discrimination, harassment or victimisation.

**Management responsibilities/Responsibilities** - Links expected standards of behaviour with responsibilities, increasing the emphasis on expected behaviours of all staff including managers and how treating others with consideration, respect and dignity contributes to the Councils vision of Shropshire living the best life, aligns with the Council's Code of Conduct and supports the Shropshire Plan's objectives "healthy people" and "healthy Organisation".

**Definitions** - In line with every colleagues right to be treated with dignity and respect at work additional definitions are proposed to include Discrimination, Victimisation and Unreasonably persistent and Vexatious Behaviour.

Disability is also proposed to be included to provide clarity and recognise that disability is a dynamic term within which terms such as neurodivergence and neurodiversity are emerging and changing including the relationship between neuro divergence and definitions of disability.

Cyberbullying features in the Council's current Bullying and Harassment policy however the review proposes to strengthen the Council's policy by aligning with and connecting the reader to the Council's Social Media Terms of Use policy – personal accounts. Also updating appendix 1 – unacceptable behaviours with examples of cyber bullying.

**Social Media** - Due to advances in technology and increased use of social media boundaries between professional and personal life can sometimes become more blurred. Additional references to the use of social media are included in:

- o Section 3 – Principles
- o Section 7 – Cyber Bullying
- o Appendix 1 – Unacceptable behaviours including cyber bullying.

**Performance management** - This new section seeks to strengthen current reference to managing performance and support and link to appendix 2 Guidance on acceptable behaviour and provide both employees and managers with increased clarity of the differences between good management and bullying and harassment.

**Training, Communication and Awareness** - This section now represents an amalgamation of all references to training contained within the current policy highlighting that training and coaching is available to help managers deal with allegations and to help employees change their behaviour where a need for change has been identified.

**Impact of Harassment and Bullying** - Enhanced the impacts of Bullying and Harassment including depression, symptoms of post-traumatic stress disorder and exacerbating a pre-existing health condition have been further added.

**Procedure for Dealing with bullying and Harassment** - Additions seek to clearly state employees' rights and define the Council's expectations with respect how complaints of bullying, discrimination, harassment and victimisation will be dealt with.

**Dealing with Harassment by a Third party** – Amendments to the policy and introduction of appendix 6 Guidance to managing Bullying, Discrimination, Harassment or Victimisation by a third party seek to strengthen the Council's position to employees with respect support and procedure available to all employees when dealing with harassment by a third party.

Amendments also seek to further align the Council's Bullying and Harassment policy with and highlight the Council's procedures for dealing with unreasonably persistent and vexatious customers procedures.

**Support for employees** – Amendments and the addition of appendix 7 Support for Employees seeks to expand on support available to employees to include updated counselling service details, a list of support officers and mental health first aiders.

**Whistleblowing** - This section seeks to align the Councils Bullying and Harassment policy with the Councils Whistleblowing policy. Highlighting both employees' responsibilities to colleagues and third parties such as service users as well as aiming to provide employees with the confidence to raise concerns.

**Examples of unacceptable behaviours, appendix 1** – Amalgamates behaviours currently included in the bullying and harassment policy. Including additional unacceptable Gaslighting behaviours, Mental health personal harassment, sexual harassment, discrimination, victimisation and cyber bullying.

## **6. Conclusions**

During the work of the task and finish group they are fully aware of the increasing demand members of the community are placing upon council services and the diminishing financial position of the council in the coming years, like many other councils this will result in difficult decisions being made and ultimately result in changes to how services are operated, accessed and experiences changing amongst the community. This is most likely to have a negative impact on how members of the community approach and communicate with the council and staff in their enquiry. Unfortunately, the response provided by council staff may not always be the outcome the recipient had hoped or wanted to hear or receive. Likewise, it is possible for internal incidents of inappropriate behaviour amongst staff and whilst this isn't acceptable, it is acknowledged there are a number of policies already in situ to support staff across the organisation in dealing with such situations. It is understood the policies can't account for each event but there is confidence amongst the group members there is sufficient information and support available to deal with situations/incidents.

## **7. Recommendations**

- a) Bullying and Harassment Policy is renamed to Bullying Harassment Discrimination and/or Victimisation Policy. To inform employees about the type of behaviour that is unacceptable and provides employees who are the victims of bullying, discrimination, harassment and victimisation a means of redress. The policy has been further enhanced on unacceptable behaviours including gas lighting, cyber bullying and social media, dealing with third party harassment and further alignment to other Councils policies including the procedure for dealing with unreasonably persistent and vexatious behaviour
- b) It became apparent during the initial stages of the task and finish group. There is no such policy for Members, whilst it is understood there is guidance from the Local Government Association (LGA) this isn't deemed sufficient in protecting Members during their duties. A further task and finish group is being recommended to review support in relation to Bullying and Harassment for Members
- c) Update provided at Cabinet on 13 March 2024 on task and finish group progress and next steps.

d) Bullying and Harassment policy is signed off at Employee Joint Consultative Committee (EJCC) on 18<sup>th</sup> April 2024 and communicated out to staff.