

# EQUALITY & DIVERSITY POLICY /HARASSMENT & BULLYING POLICY AND ASSOCIATED GRIEVANCE PROCEDURE

## Explanatory Summary

This suggested Grievance procedure will provide the Parish Council with the minimum statutory requirement for employers to have a Grievance procedure and should enable the Grievance to be dealt with in the statutory 28 days before a complainant can lodge an application at an Employment Tribunal. As our Parish Council is small, the procedure is designed to be simple. It sets out a 2-stage process with an additional preliminary informal resolution stage and a final appeal stage. In some cases, the person complained of may well be the person responsible for dealing with the Grievance. It is important that the people charged with dealing with a Grievance are impartial, and seen to be impartial. For this reason, it is recommended that people dealing with each stage of the procedure should be clearly identified. It is recommended that the person dealing with the Grievance at stage 1 should be the committee/group for Manager of the office staff. For cases where the Line Manager of the individual is the named person in the Grievance, it is recommended that another member of the Parish Council becomes responsible for dealing with the Grievance. Should all Councillors of the Parish Council be named within the Grievance or in order to prevent a conflict of interest, the Grievance should immediately proceed to stage 2 and should be dealt with by Melton Borough Council.

It is recommended that to provide impartiality to the procedure a representative from outside the Parish Council be designated as the Manager of the Grievance Procedure. Ideally this person would also be expected to be familiar with the procedure, the likely forms of Grievance and possible options for resolution. They would also have responsibility for retaining confidential records of all Grievances, which should form part of the annual Parish Council Equality and Diversity monitoring analysis. Disposal of these records will only take place with the express agreement of the individual raising the Grievance. The Parish Council Equality and Diversity Policy and Harassment Policy is set out at the front of the procedure, and definitions of the terms used at the back, thus defining the scope of the Grievance procedure.

## Equality and Diversity Policy Statement

The Parish Council is fully committed to the elimination of unfair discrimination on the grounds of gender, family status, age, race, ethnic origin, sexual orientation, religion, disabled status, or any other unjustified condition, and the promotion of equality and diversity for all, in its own practices and arrangements. The Parish Council recognises its responsibilities under all domestic and European equality legislation to provide equality of opportunity to all people in its capacity as a staff association, as a service provider to its members and as an employer.

In order to achieve this, the Parish Council seek to: negotiate and operate practices which promote equal opportunities in employment, training and service delivery; promote the development of a workplace environment for all members and staff to develop their full potential, free of harassment and discrimination; ensure that all contractors and visitors are treated fairly, free of harassment and discrimination; provide appropriate advice and support for members in pursuit of equality and diversity issues; raise awareness of equality and diversity issues and promote best practice

throughout the Parish Council; monitor Parish Council practices and arrangements in order to develop an inclusive Equality and Diversity Strategy with action plans.

Responsibility for the Parish Council Equality and Diversity Policy rests jointly with the Parish Council.

## Harassment & Bullying Policy Statement

The Parish Council are committed to providing a workplace environment which is free of harassment or bullying for its employees and members and will take positive steps to eliminate it by monitoring the workplace and investigating any allegations of unacceptable behaviour. Harassment or bullying behaviour will not be tolerated in the Parish Council workplace, at conferences or seminars, or at work-related social events. If harassment or bullying were to result in an actual assault this may be a criminal matter.

## Scope of the Procedure

This Grievance procedure is a formal two-stage procedure, with a third stage available for appealing against the decision. It is for dealing with Grievances that are concerned with the actions of the LPF Trusts.

The procedure can be used to deal with all types of Grievances including unfair interpretation of policies, conditions of service and actions that may contravene the Police Federation's Equality and Diversity or Harassment and Bullying Policies. Staff/Councillors can raise wider employment issues than police officers, including claims of unfair dismissal. Police officers are subject to Police Regulations and, in some circumstances; the investigation of a Grievance may reveal disciplinary or criminal implications. It is not intended as a means of undermining fair decisions or the effectiveness and efficiency of the Parish Council.

## Confidentiality

All cases dealt with under this procedure should be dealt with in the strictest of confidence. All records of Grievances will be retained by the appointed person and will only be disposed of within Data Protection time limits or with the express agreement of the individual raising the Grievance.

## Representation

The complainant and all other parties involved have the right at any stage to consult with and be accompanied by a representative of a staff association, trade union, colleague or friend who may speak on their behalf.

## Standard of Proof

The complainant does not have to prove their case beyond all reasonable doubt. The standard of proof used in this Grievance procedure is the same as that required by an Employment Tribunal, namely on the balance of probability.

## Victimisation

Victimisation of a person who invokes the Grievance procedure or who provides any form of assistance to someone who is or has invoked, is unacceptable and in discrimination or harassment cases may constitute unlawful conduct under the Race Relations Act, Sex Discrimination Act or

Disability Discrimination Act. If a person is being victimised in any way, after invoking the Grievance procedure they should immediately consult with the appointed person.

## Time Limits

Time limits are set at each stage of the procedure and every effort will be made to comply with the limits so that Grievances can be investigated promptly. It may be necessary to extend the time limit because of leave, sickness or other reasons. The parties involved must agree to any extension and inform the Parish Council.

The timescale is crucial in cases alleging breaches of Race Relations, Sex Discrimination or Disability Discrimination Acts. In these cases, time limits should be extended only with the express agreement of all parties after reasons have been explained for the delay and who fully understand that there is a time limit of three calendar months less one day from the date of the last act that is the subject of complaint for registered a case with an Employment Tribunal.

Under the Employment Act 2002, a person must set out their Grievance in writing to the Parish Council who has responsibility for their line management at least 28 days before he or she lodges a claim at an Employment Tribunal.

## Informal Stage

A person should start the Grievance procedure only after they have raised the problem with their line manager and no resolution has been achieved. If they feel that the problem is such that they are unable to raise it with their line manager in the first instance, or it is otherwise unresolved by the line manager, they may wish to discuss the matter with their Trade Union or the Managing Officer before proceeding to Stage 1 of the formal Grievance procedure.

The formal Grievance procedure involves two separate stages. In most cases it should be possible to resolve the Grievance at either stage 1 or 2. It is only after all efforts to resolve the Grievance have failed that it should be referred to the next stage. The emphasis should be on seeking a resolution, not examining the issue(s) and passing it on to the next stage.

Any written records should be retained by the Parish Council and should form part of the Parish Council Equality and Diversity annual monitoring analysis. No other record of the Grievance is to be made or kept on any other file.

## Stage 1

A formal Grievance should be put in writing to the Parish Council, however for cases where the Parish Council is the named person in the Grievance; it is recommended that another appointed person becomes responsible for dealing with the Grievance. A copy should be sent to the Parish Council for their information and recording purposes.

The Parish Council should meet with the complainant and attempt to resolve their issue within the Stage 1 time limit of 7 days. He or she should inform all parties of their decision, their reasons and what action will be taken as a result. Any records of the meeting should be forwarded to the Parish Council.

If it is not possible to resolve the Grievance at this stage, or if it is not practicable to raise the matter with the line manager or other officer of the Parish Council, the complaint should go immediately to Stage 2. The complainant should be advised of their rights to progress to an Employment Tribunal

and the relevant time limits concerning the Grievance procedure (28 days from commencing Stage 1) and any allegation of discrimination (3 calendar months less 1 day from the date of the alleged discriminatory act).

## Stage 2

The Parish Council is responsible for dealing with the Grievance within the Stage 2 time limit of 14 days. He or she should be able to take an independent view of the matter with a view to resolving the Grievance.

The Parish Council should meet with the parties and then inform them of their final decision, their reasons and what action will be taken as a result. He or she should make a record of the meeting and keep it for recording purposes.

## Appeal Stage

If it were not possible to resolve the Grievance to the satisfaction of the complainant an appeal will be heard by an appointed person. Parish Council will exclude from its decision-making process, the individual raising the Grievance and any person named or involved in dealing with the Grievance. The Parish Council will have responsibility for providing information of the issues to the Trustees.

## Monitoring

A record should form part of the Parish Council equality monitoring programme.

## Criminal and/or Disciplinary Action

Criminal and disciplinary procedures are entirely separate from the Grievance procedure. However, it may be that a Grievance will involve allegations of a criminal and/or discipline nature against a serving police officer or member of staff. In cases involving members of staff, the person handling the Grievance should consider in the circumstances if formal discipline procedures or a criminal investigation are necessary. If the complainant does not wish to make a criminal or disciplinary allegation against the person(s) concerned, it must be explained to them should the nature of the allegation make this action necessary. Attempts to find a resolution to the original Grievance should not be deferred pending the outcome of any criminal or discipline enquiry.

## Definitions

Unlawful discrimination can be direct or indirect. Unlawful direct discrimination consists of treating a person less favourably than others are, or would be treated in similar circumstances, on the grounds of their racial or ethnic group, gender, married or disabled status. Direct discrimination cannot be justified except on the grounds of disability. Harassment on any of these grounds would constitute unlawful direct discrimination.

Unlawful indirect race discrimination occurs when an organisation imposes a requirement or condition which adversely affects a considerably larger proportion of one racial group than another and which the organisation cannot justify on job related grounds. For example, a requirement for job applicants to live in a particular town, or a particular part of a town, could constitute unlawful indirect race discrimination if it could not be justified on job related grounds.

Unlawful indirect sex discrimination occurs when an organisation applies a provision, criterion or practice which adversely affects a considerably larger proportion of one sex than the other and which the organisation cannot justify on job related grounds. For example, a practice that prevents people in a department from working a fixed shift pattern could adversely affect more women than men, and be unjustifiable on job related grounds.

It is also unlawful to victimise someone for raising a complaint of discrimination in good faith, or for helping or advising someone to raise a complaint in good faith. For example, refusing to allocate overtime to someone who has raised a complaint of discrimination would be unlawful.

Harassment that is based on a person's sex, race or disabled status can constitute unlawful discrimination. Sexual harassment is defined as unwanted conduct of a sexual nature, or other conduct based on sex which affects the dignity of men and women at work. It can include unwelcome physical, verbal or non-verbal conduct. Racial harassment is defined as violence which may be verbal or physical and which includes attacks on property as well as on the person, suffered by individuals or groups because of their colour, race, nationality and ethnic or national origins, when the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism. Behaviour that could constitute harassment includes: Physical or verbal attention of a sexual nature that makes the recipient (either man or woman) uncomfortable: derogatory or degrading remarks e.g. on dress or physical appearance: display of posters or other pornographic or racist material, including any on computer screens: threats or verbal abuse of a racist or national nature.

Bullying is vindictive, cruel behaviour which humiliates and undermines confidence or is intended to undermine confidence. It is an abuse of power against a person or persons. It can occur from a subordinate or group of subordinates to a supervisor and between colleagues. The effects of harassment or bullying on the individual can be physical e.g. disturbed sleep, loss of energy, feeling sick or emotional e.g. anxiety, loss of confidence, reduced self-esteem and depression. Harassment and bullying can also affect the LPF Trusts ability to deliver its service to members, as it can cause problems of poor work Performance, absenteeism, increased sickness and low morale.

Bullying could be unlawful under the Health and Safety at Work Act and Section 154 Criminal Justice Act and Public Order Act 1994 which makes Intentional Harassment a criminal offence.

Behaviour that could constitute bullying includes: Imposing impossible objectives and deadlines; criticising or humiliating individuals in public: over-reacting to minor incidents in an intimidating manner: abusive or intimidating written communication.

This document was adopted by the Council at its meeting held 16<sup>th</sup> June 2022.

Signed \_\_\_\_\_ Chair