

# EAST AYRSHIRE COUNCIL

CABINET – 19 MAY 2010

## REVISED HARASSMENT AND BULLYING POLICY AND PROCEDURES

### Report by Executive Director of Finance and Corporate Support

#### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to ask Cabinet to approve proposed amendments to the Council's Harassment and Bullying Policy and Procedures.

#### 2. BACKGROUND

- 2.1 The Council's current Harassment and Bullying Policy and Procedures was approved by Cabinet at its meeting on 7 May 2008 and communicated to employees in PER Circular 6/08. The Policy and Procedures applied to Local Government Employees, Chief Officers and Craft Operatives as Teaching Staff had their own Procedures.
- 2.2 As part of the ongoing annual review of the Council's Employment Policies, changes have been required to be made to ensure that the Council continues to take account of new legislation and reflect best Human Resources practice.
- 2.3 The revised Harassment and Bullying Policy and Procedures is applicable to all Council Employees including Teachers.
- 2.4 Copies of the revised Harassment and Bullying Policy and Procedures are available in the Members' Information Point. The main changes proposed are summarised below:

#### 3. PROPOSED CHANGES

- 3.1 The principal changes to the existing Policy and Procedures are as follows:-
- any reference to Personnel Services has been replaced by Human Resources;
  - a new paragraph has been added to describe the term Manager used throughout the Policy (paragraph 1.3);
  - the Policy now applies to all employees of the Council as previously Teachers had their Harassment and Bullying Procedures (paragraph 2.9);
  - reference is now included to the responsibilities of Elected Members (paragraph 3.2);
  - in normal circumstances employees should raise their formal complaint using Form HB/1 to their Executive Director within two weeks of the date the incident

first arose or within two weeks of the latest date where a series of incidents have occurred (paragraph 10.2);

- the deletion of the reference to the investigation taking place in accordance with the investigation process outlined in the Council's Disciplinary Policy and Procedures as the Council will be developing a Guide to Investigations (paragraph 10.3);
- the timescale may be extended in more complex cases and where holiday periods occur during this process (paragraph 10.6);
- the process in relation to complaints against Elected Members has been included (paragraph 10.9);
- account has been taken of the Disciplinary Policy for Teachers (paragraphs 11.2 ,15.1 and 18.5);
- a new section offering counselling and support under Employee Welfare has been added (paragraph 19.1)

**3.2** All documentation used in the harassment and bullying process will be updated to reflect the proposed changes.

**3.3** The revised Policy and Procedures will continue to assist the Council to achieve and sustain a corporate and consistent approach to Harassment and Bullying complaints thereby assisting the Council to operate effectively and deliver quality services.

#### **4. COMMUNICATIONS**

**4.1** Employees will be advised of the revised Harassment and Bullying Policy and Procedures via the Council's intranet site, Ewords and the issue of a relevant PER Circular. A revised Employee Guide and Managers Guide applicable to all Council employees will be issued.

#### **5. FINANCIAL IMPLICATIONS**

**5.1** There are no additional costs arising from the proposed changes to the Harassment and Bullying Policy and Procedures.

#### **6. POLICY/LEGAL IMPLICATIONS**

**6.1** The proposed changes will ensure that the Council meets its legislative requirements as an employer and continues to follow best practice guidelines. The proposals meet the pursuit of continuous improvement and Best Value and the guiding principles of the Community Plan.

## **7. RISK MANAGEMENT**

**7.1** Changes have been made which will ensure better management of incidents of bullying and harassment.

## **8. COMMUNITY PLANNING**

**8.1** There are no Community Planning implications.

## **9. CORPORATE MANAGEMENT TEAM**

**9.1** The revised Harassment and Bullying Policy and Procedures have been considered and approved by the Corporate Management Team.

## **10. TRADE UNIONS**

**10.1** The proposed changes have been the subject of consultation with the Trade Unions.

## **11. RECOMMENDATIONS**

**11.1** Cabinet is recommended to:

- (i) approve the above changes to the Council's Harassment and Bullying Policy and Procedures;
- (ii) submit the revised Harassment and Bullying Policy and Procedure to the East Ayrshire Council Joint Negotiating Committee for Teachers for approval; and
- (iii) otherwise note the contents of the report.

Alexander McPhee  
Executive Director of Finance and Corporate Support  
10 May 2010

### **LIST OF BACKGROUND PAPERS**

1. Current Personal Harassment and Bullying Policy and Procedures (May 2008).
2. Per Circular 6/08 dated 30 June 2008 on Revised Harassment and Bullying Policy and Procedures.
3. Report on Revised Harassment and Bullying Policy and Procedures by the Depute Chief Executive/ Executive Director of Corporate Support to Cabinet of 7 May 2008.

Any person wishing further information should contact Martin Rose, Head of Human Resources (Telephone 01563 576092).

Implementation Officer: Martin Rose, Head of Human Resources