

# EAST AYRSHIRE COUNCIL

CABINET - 21 MAY 2008

## LOCAL GOVERNMENT EMPLOYEES, CRAFT EMPLOYEES AND CHIEF OFFICIALS REVISED HARASSMENT AND BULLYING POLICY AND PROCEDURES

### Report by Depute Chief Executive/Executive Director of Corporate Support

#### 1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to ask Cabinet to approve proposed amendments to the Council's Harassment and Bullying Policy and Procedures, subject to consultation with Trade Unions.

#### 2. BACKGROUND

- 2.1 The Council's current Personal Harassment Policy and Procedures was approved by the Personnel and Property Sub-Committee of the Policy and Resources Committee at its meeting on 25 February 1997 and communicated to employees in PER Circular 9/97.
- 2.2 A review of the Harassment and Bullying Procedures has been necessary to ensure that the Council continues to reflect best personnel practice.
- 2.3 The Harassment and Bullying Policy and Procedures is applicable to Local Government Employees, Craft Operatives and Chief Officers. **They do not apply to Teaching Staff who have their own Procedures.**
- 2.4 The revised Harassment and Bullying Policy and Procedures has been circulated previously to Executive Directors and Heads of Service and account has been taken of comments received. 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:-
- clarification that where an employee raises a complaint regarding harassment and bullying then this will be dealt with under the Council's Harassment and Bullying Policy and Procedures rather than the Grievance Procedure. An employee cannot use both the Grievance Procedure and the Harassment and Bullying Policy and Procedures relating to the same incident (paragraph 2.5);
  - emphasising that the Harassment and Bullying Policy and Procedures also apply to work-related functions held outside normal working hours either on or off the Council's premises e.g. Christmas parties, leaving celebrations, working lunches etc. (paragraph 2.8);

- identifying clearly that all parties have responsibilities under the Policy and Procedures (paragraph 3.2);
- the provision of definitions of harassment, discrimination and (paragraph 4.1, 4.2 and 4.3);
- the provision of examples of harassment are outlined in the Policy (paragraph 5.1);
- the provision of examples of bullying are outlined in the Policy (paragraph 6.2);
- clear timescales are now outlined for management to complete the process (paragraph 16.1 and 16.2);
- clarifying that a record of all complaints raised on a formal basis will be retained confidentially within the Department of Corporate Support (Personnel Services) (paragraph 18.4)

**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 a new employee leaflet and managers' guide on harassment and bullying, the Council's intranet site, Eastwords and the issue of a relevant PER Circular

#### **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. TRADE UNIONS**

**7.1** The proposed changes are subject to Trade Union consultation.

## **8. RECOMMENDATIONS**

- 8.1** Cabinet is asked to approve the above changes to the Council's Harassment and Bullying Policy and Procedures, subject to consultation with Trade Unions.

**Elizabeth Morton  
Depute Chief Executive/  
Executive Director of Corporate Support  
16 April 2008**

### **LIST OF BACKGROUND PAPERS**

1. Current Personal Harassment and Bullying Policy and Procedures (June 1997)

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