

Brighton & Hove City Council

Audit, Standards and General Purposes Committee

Agenda Item 24

Subject: Anti Bullying Harassment and Victimisation Policy and Procedure

Date of meeting: 24 September 2024

Report of: Acting Corporate Director – Corporate Services

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 The purpose of this report is to obtain approval of a new Anti Bullying Harassment and Victimisation Policy and Procedure to replace the existing Dignity and Respect at Work Policy and Guidance documents.

The new policy supports the delivery of the Council Plan and our determination to be ‘A responsive council with well-run services’, providing a working environment that is safe, inclusive, accessible and supportive of staff health and wellbeing.

2. Recommendations

- 2.1 That Committee agrees the new Anti Bullying Harassment and Victimisation Policy and Procedure to replace the existing Dignity at Work Policy and Guidance.
- 2.2 That Committee delegates authority to the acting Corporate Director – Corporate Services to take any action necessary to implement this on or after the 1st October 2024.

3. Context and background information

- 3.1 A commitment was made to review the Dignity at Work Policy following concerns raised by managers, staff, trade unions and staff forums that the current policy was not fit for purpose for the reasons outlined in 3.2 to 3.4 below. It is good practice to keep all policies under constant review and ensure they are in line with best practice and legal requirements. The recent issues detailed by the [KC report](#) into allegations at City Clean which exposed a toxic culture further underlined the need for a new policy. In addition, it is essential we have a robust policy and procedure for handling complaints to uphold our commitment to driving forward

fairness, inclusivity, our anti-racist practices and a sense of belonging for all our staff.

- 3.2 The existing Dignity at Work Policy and Guidance for allegations of bullying or harassment states that these will be treated as alleged misconduct and will be investigated under the council's Disciplinary Procedure, instead of as a grievance. The consequence of this means those raising complaints don't get a right of appeal against the outcome.
- 3.3 There is no requirement for a detailed report or findings of the investigation to be shared with the complainant, and this means the process of investigating a serious complaint lacks transparency.
- 3.4 The CIPD sets out that if the investigation concludes there is insufficient evidence of bullying, or that the alleged actions do not constitute bullying, it is important that the complainant(s) is made fully aware of how the conclusions were reached and why no formal action is being taken. The alleged respondent also needs to be informed of the outcome.

Key Changes

- 3.5 The new policy and procedure sets out that a complaint of bullying and harassment is treated more in line with a grievance but under a separate policy due to the sensitivities around such claims. The new policy and procedure follows the same timescales and appeal levels as the Grievance procedure. The new draft policy would replace the existing Dignity and Respect at Work Policy and Guidance.
- 3.6 If an investigation finds that bullying and harassment has taken place this would then be referred to a disciplinary panel. The respondent will be advised during the course of the investigation that if the complaints are upheld this will be referred to a Disciplinary hearing.
- 3.7 The new policy and procedure recommends that a full report of the findings of an investigation is shared with the Complainant and Respondent together with copies of witness statements and other relevant documents. This will be made clear to the Complainant and Respondent and any witnesses in the policy and at investigation meeting.
- 3.8 As with the grievance procedure there would be a right of appeal for the complainant.
- 3.9 In implementing the policy, the council recognises the importance of ensuring that all staff and managers are aware of the high standards of behaviour and respect expected in the organisation, the impact of poor behaviour and the consequences where investigations uphold complaints of bullying and harassment. It is also important that staff and managers are supported to behave and manage in line with our principles of respect, inclusivity, belonging and have the skills needed to tackle poor behaviour proactively. With this in mind, the implementation of this procedure will be accompanied by mandatory training that ensures everyone is aware of expectations, and our journey to become a fair and inclusive organisation continues.

4 Analysis and consideration of alternative options

4.1 The alternative is to retain the existing Dignity at Work Policy and Guidance which is not deemed to be transparent or fit for purpose.

5. Community engagement and consultation

5.1 The new Anti Bullying Harassment and Victimisation Policy and Procedure is an internal policy and procedure relevant to all Council employees.

5.2 The draft new policy has been shared with relevant stakeholders including Staff Networks, the Equality Diversity and Inclusion Team and our Trade Unions. Extensive collaboration has taken place and the views, thoughts and input of stakeholders has been taken into account. Sitting alongside the policy, will be a new anonymous reporting tool that will support staff who do not feel confident to raise concerns internally.

5.3 Consultation has taken place with GMB and UNISON, their feedback has been considered and changes made to the draft accordingly. GMB and UNISON have confirmed they agree with the new policy.

6. Conclusion

6.1 It is considered that the currently dignity at Work Policy and Guidance is not fit for purpose in the way in which it deals with complaints of bullying and harassment.

6.2 The existing Dignity and Work Policy and Guidance are not transparent in terms of sharing relevant information with the complainant or respondent party to such a complaint.

6.3 The new Anti Bullying Harassment and Victimisation Policy and Procedure provides greater transparency for complainants and respondents.

6.4 The new Anti Bullying Harassment and Victimisation Policy and Procedure takes into account up to date legislation and best practice.

7. Financial implications

7.1 There are no direct financial implications arising from the recommendation of this report

Name of finance officer consulted: James Hengeveld Date consulted 16/07/2024

8. Legal implications

There are no direct legal implications arising from the recommendation of this report. The correct process has been followed in respect of implementation and there is agreement amongst all relevant stakeholders.

Name of lawyer consulted: Chris Kingham Date consulted : 02/08/2024

9. Equalities implications

An Equality Impact Assessment has been carried out related to the new policy.

Supporting Documentation

Appendices

1. New Anti Bullying Harassment and Victimisation Policy and Procedure