

EAST HERTS COUNCIL

HUMAN RESOURCES COMMITTEE – 19 OCTOBER 2006

REPORT BY LEADER OF THE COUNCIL

7. REVISED VERSION OF HARASSMENT AND BULLYING POLICY AND PROCEDURE

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WARD(S) AFFECTED: NONE

'D' RECOMMENDATION - that the revised policy and procedure relating to harassment and bullying, together with the implementation plan, as now submitted, be approved.

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1.0 Purpose/Summary of Report

1.1 To provide all employees of the Council with policies and procedures that provide a workable, effective and fair framework for managers and staff to carry out their roles and responsibilities.

1.2 Following lengthy negotiations with Unison, the bullying and harassment policy and procedure (see Appendix 'A7' (pages 7.4 – 7.38)) was recommended for approval by the Local Joint Panel (LJP) meeting on 19 January 2006, and is ready to be adopted for use.

2.0 Contribution to the Council's Corporate Objectives

2.1 Deliver customer focused services by maintaining and developing a well managed and publicly accountable organization.

2.2 Deliver responsible community leadership that engages with our partners and the public

3.0 Background

3.1 Changes to employment legislation and good practice have meant that we needed to update this key policy.

3.2 Additionally, the status of current policies is debatable because it is unclear which version of a policy is most current and whether a formal decision was taken to adopt the particular version. The result is that the Council has been left open to challenge.



3.3 Recent experience has highlighted the lack of proper Human Resource (HR) procedures to deal with employee relations issues. All the policy and procedure documents submitted with this report have been extensively reviewed by management and Unison.

#### 4.0 Report

4.1 The HR policies and procedures have been produced to provide a framework for managers which is workable, effective and provides guidance, and which is “felt fair” to staff. Furthermore, they are designed to reduce bureaucracy and shorten timescales.

4.2 ACAS best practice and DTI guidance has been incorporated in these documents and they comply with all current legal obligations including the new Age Discrimination Legislation which came into force on 1 October 2006.

4.3 It is key that we imbed this policy within the culture of our organization. This is particularly required with the policy because:

- We need to support this procedure with an effective process which enables us to deal with any complaints of bullying and harassment in a fair and effective manner
- We need to be seen to be providing support for complainants under this procedure, as this is the action of a reasonable employer and would support the Council’s position, should we be under scrutiny externally in respect of any such claim.
- Good HR practice is to launch appropriately and support key policies. This ensures that procedures are understood and therefore used appropriately by staff and managers. This is particularly key with this type of procedure, which can cover some difficult and sensitive complaints.

4.4 Some time ago staff were asked if they would become confidential advisers and investigators under this procedure. Although a number committed to this role, their circumstances may have changed, as some time has lapsed between requesting this information and finally adopting this policy. Therefore, it is suggested that we readvertise this role when we are clear what the implementation date will be.

4.5 In order to fulfill this requirement both Corporate Management Team (CMT) and LJP have agreed that we contract with East of England Regional Authority, who jointly with UNISON run a training programme for confidential advisers and investigators. Both courses place a great deal of emphasis on what constitutes bullying

and harassment as this can be difficult to define. There is then a third day for investigators, which provides an experience of undertaking an investigation in a supportive and safe environment, this provides an opportunity to put their learning into practice.

4.6 The cost of these two courses would be £4,750 (this is the combined date rate of the two trainers) plus expenses, which is likely to take the total cost to approximately £5,500. This can be met from within the existing corporate training budget.

#### 5.0 Consultation

5.1 The Policy has been discussed with Unison representatives.

#### 6.0 Legal Implications

6.1 The policy has been extensively rewritten to incorporate equalities considerations, the statutory standard and modified procedures and statutory requirements on timescales.

6.2 Currently, for unfair dismissal, awards may range from £8,400 to £65,200. Additionally, for refusal to comply with a reinstatement order, a further award of between £7,280 and £15,680 can be made. Awards against unlawful discrimination can be unlimited.

#### 7.0 Financial Implications

7.1 None.

#### 8.0 Human Resource Implications

8.1 As set out above.

#### 9.0 Risk Management Implications

9.1 Failure to update HR procedures to comply with latest Employment Law will leave the Authority open to challenge at Employment Tribunals which may be costly and damaging to our reputation. This is becoming increasingly evident.

#### Background Papers

None

Contact Member: Councillor A P Jackson – Leader of the Council

Contact Officer: Tina Nash - Head of Human Resources - ext 1635.