



INTEGRITY IN PUBLIC LIFE

ADVICE NOTE FOR COUNCILLORS ON BULLYING AND HARASSMENT

1. Introduction

1.1 Everybody has the right to be treated with dignity and respect and to work in an environment which is free from harassment, bullying, discrimination and victimisation. This is now reinforced by paragraph 3.6 of the Councillors' Code of Conduct 2018, which states:

'Bullying or harassment is completely unacceptable and will be considered to be a breach of this Code.'

1.2 Harassment, bullying, discrimination and victimisation (either directly or indirectly) are unacceptable and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

1.3 You are responsible for your own behaviour and must ensure that you are aware of, and comply with, the provision concerning bullying and harassment in the Councillors' Code of Conduct and also any policy your Council has on ensuring dignity in the workplace.

2. Harassment

2.1 Harassment is any unwelcome behaviour or conduct which has no legitimate workplace purpose and which makes someone feel offended, humiliated, intimidated, frightened and / or uncomfortable at work. Harassment can be experienced directly or indirectly (such as being in the room while unacceptable conduct is being displayed and being affected by it), and can occur as an isolated incident or as a course of persistent behaviour.

2.2 It is also important to note that even if behaviour is unintentional, it can still be classed as a form of harassment. Harassment is essentially about what the recipient deems to be offensive, not about what was intended. You should be aware, therefore, of the

impact of your conduct on others and that what may seem harmless to you can be offensive to someone else.

2.3 Harassment can occur through verbal or written comments (including ones made online). The following list provides some examples but it is, by no means, exhaustive:

- Unwelcome physical contact such as touching or invading 'personal space';
- Inappropriate remarks or questioning such as comments about someone's appearance, lewd comments, and offensive jokes (such as ones of a racial, sexual or sectarian nature);
- Intrusive questioning, including the persistent discussion of a person's sexual practices, misogynistic behaviour, sexual orientation or religious beliefs (either directly or with others); and
- Sending unwelcome emails, messages or notes; circulating or displaying explicit or inappropriate images.

3. Bullying

3.1 Bullying is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted. Again, it is the impact of any behaviour rather than the intent which is the key.

3.2 Bullying usually arises as a result of an individual misusing their power (usually derived from status or some other position of strength) and, again, can occur through all means of communication.

3.3 Bullying tends to be a pattern of behaviour or course of conduct. It can also be a one-off serious incident that becomes objectionable or intimidating. The examples in the following list are, by no means, exhaustive:

- Unwelcome physical, verbal or non-verbal conduct;
- Repeated disrespectful behaviour towards the same person;
- A course of disrespectful behaviour towards more than one individual (for example, towards officers);
- Intimidatory behaviour including verbal abuse or the making of threats;
- Making someone's working life difficult (either by your own individual conduct or when acting with others);
- Disparaging, ridiculing or mocking comments and remarks;
- Physical violence; and
- Deliberately excluding an individual from conversations, work or social activities, in which they have a right or legitimate expectation to participate.

4. Your Specific Responsibilities as a Councillor

4.1 You should behave in accordance with the Code in all situations where you act as a councillor or are perceived as acting as a councillor, including representing the Council on official business and when using social media.

- 4.2 You should ensure that you are familiar, and comply, with the terms of any policy your Council has issued on dignity in the workplace.
- 4.3 You must treat all individuals with courtesy and respect when carrying out your duties as a councillor. You should not participate in, or condone, acts of harassment, discrimination, victimisation or bullying.
- 4.4 You should be aware of the inherent influence your role brings and ensure that you are demonstrating respect for others and encouraging colleagues to do the same.
- 4.5 You should be aware of the role that officers play and ensure you are not compromising this by behaving in a manner that could result in them feeling threatened or intimidated, which could prevent them from undertaking their duties properly and appropriately. You must not bring any undue influence to bear on an officer to take a certain action (either during a one-off incident or as part of a course of conduct), particularly if it is contrary to the law or the Council's policies and procedures.
- 4.6 You should note that your conduct, when taken together with that of colleagues, could amount to bullying or harassment. You should always be mindful of the overall potential impact of the behaviour on others.
- 4.7 As someone in a position of trust you may be made aware of incidents that are brought to your attention by victims of this kind of behaviour, or other witnesses. You can assist by becoming familiar with what is meant by harassment, discrimination, victimisation and bullying and the impact these can have on individuals or groups.
- 4.8 If you are a witness to any acts of harassment, victimisation or bullying, you should encourage the complainant to seek support and assistance and make it clear that you will offer them assistance and provide evidence if they decide to make an informal or formal complaint;
- 4.9 Where you have witnessed bullying or harassment you have a responsibility to speak out. You should challenge inappropriate behaviour as it happens and consider making a complaint.

5. Further Sources of Information

- 5.1 The Standards Commission has published guidance and advice notes on how to interpret, and act in accordance with, the provisions in the Councillors' Code of Conduct, including those relating to relationships with employees. The guidance and advice can be found on the Standards Commission's website at: www.standardscommissionscotland.org.uk.
- 5.2 The Standards Commission also publishes written decisions of Hearings held on its website, which can be found at: www.standardscommissionscotland.org.uk/cases/case-list.

- 5.3 The Improvement Service’s Induction material includes guidance on Standards, Ethics and Information Handling. These can be found at:
www.improvementservice.org.uk/elected-member-induction-materials.html.
- 5.4 The Accounts Commission’s 2010 ‘Report on Roles and working relationships - are you getting it right?’ and their 2016 Report ‘Roles and working relationships in councils - Are you still getting it right?’ are aimed at supporting councillors and officers to be clear about their own roles and reiterate that good conduct and behaviours are critical to the overall performance of the Council. These Reports can be found at: www.audit-scotland.gov.uk/our-work/how-councils-work.
- 5.5 If you have any queries or concerns about how to interpret or act in accordance with the provisions in the Councillors’ Code of Conduct, you should seek assistance from your Council’s Monitoring Officer. Further information can also be obtained from the Standards Commission using the contact details outlined below.

Standards Commission for Scotland
 Room T2.21, Scottish Parliament
 Edinburgh, EH99 1SP
 Tel: 0131 348 6666
 Email: enquiries@standardscommission.org.uk.

- 5.6 If you are experiencing any form of bullying or harassment or know anyone who is, you should refer to you Council’s internal policy or procedure for information on how to report or deal with the matter. There are a number of organisations you can also contact for support, such as:
 ACAS (provide guidance for employers and employees on bullying and harassment at work). Contact: Helpline at 08457 47 47 47; www.acas.org.uk
 Scottish Women’s Rights Centre legal helpline. Contact freephone 08088 010 789.



Data control and version information				
Date	Action by	Version Updated	Current version	Brief Description
09/07/18	LJ	N/A	V1.0	Introduction of Advice Note
27/05/20	LJ	V1.0	V2.0	Additional information on course of conduct included to strengthen provisions