

CCMAC POLICY ON HARASSMENT AND BULLYING

Approved by CCMAC on 2 November 2023

Amended [Meeting Date]

1: INTRODUCTION

We are committed to ensuring that all that we do at CCMAC proceeds without harassment and bullying, and to ensuring that all who come into contact with us in the course of our activity are treated with dignity and respect. This is without regard to any of the protected characteristics set out in the Equality Act 2010, in line with our Statement on Equality, Diversity and Inclusion.

This statement of policy and procedure is intended to support this commitment in practice and to provide guidance to members on how to deal with concerns of bullying or harassment.

2: POLICY

Members have all committed to a CCMAC Code of Conduct and so undertake to work considerately and respectfully with all. We will not tolerate bullying or harassment in any aspect of CCMAC's activity, regardless of whether the conduct is a one-off act or a repeated course of conduct, and whether done purposefully or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying.

Allegations of bullying and harassment will be treated seriously. To that end, CCMAC has designated one of its members (who must not also be the Chair) as a 'CCMAC Grievance Lead' to take the lead in addressing any allegations. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially, in accordance with the steps set out under 'Reporting Concerns' below. If, after an investigation, it is decided that a CCMAC member has harassed or bullied another member or partner of CCMAC, then that member may be required to resign from CCMAC.

Members and others who make allegations of bullying or harassment in good faith will be treated respectfully, confidentially and sensitively. However, false accusations of harassment or bullying can have a serious effect on innocent individuals, and anyone making false allegations in bad faith may themselves be asked to resign.

The type of treatment that amounts to bullying or harassment:

Bullying or harassment is any behaviour that is unwelcome, unwarranted and has a detrimental effect. If members complain they are being bullied or harassed, then they have a grievance which must be dealt with regardless of any standard definition, although it should be noted that bullying does not include appropriate criticism of a person's behaviour. Nonetheless, it is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable, and so all

members must therefore treat all those whom they come into contact with in their CCMAC capacity with respect and appropriate sensitivity.

3: REPORTING CONCERNS

Any CCMAC member experiencing or witnessing an incident they believe to be harassment or bullying should report the incident in confidence to the CCMAC Grievance Lead. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

If a member feels they are being bullied or harassed by an **external partner of CCMAC** (a stakeholder or supplier, as opposed to a fellow member) they should raise this with the CCMAC Grievance Lead, who will then advise how best to deal with the situation.

If a member feels they are being bullied or harassed by **another CCMAC member**, there are two possible avenues to pursue, informal or formal.

Informal resolution

The member with a concern (the 'complainant') may be able to resolve the situation themselves by explaining clearly to the subject of the complaint ('the respondent') that that behaviour is unacceptable, contrary to CCMAC policy and must stop. Alternatively, the complainant may wish to ask the CCMAC Grievance Lead, without prejudging the matter, to make it clear to the respondent in confidence that:

- there has been a complaint that their behaviour is having an adverse effect on a fellow member;
- such behaviour is contrary to CCMAC policy and must cease if the respondent is to remain a member.

In exceptional circumstances (such as a serious allegation of sexual or racial harassment or in cases where a problem has happened before) the CCMAC Grievance Lead may decide, following consultation with the complainant and reference as necessary to the full Committee, to investigate further and take more formal action notwithstanding that they had raised the matter informally.

Raising a formal complaint

If informal resolution has not been successful, or the complainant is dissatisfied with the outcome, they can make a formal complaint about the harassment or bullying to the CCMAC Grievance Lead. A formal complaint may also be instigated by the CCMAC Grievance Lead, as above, where informal resolution is judged to be inappropriate. The CCMAC Grievance Lead will keep the full Committee informed of progress with a formal complaint.

They will first investigate the complaint. The complainant will need to co-operate with the investigation and provide the following details (if not already provided):

- the identity of the respondent,
- the nature of the harassment or bullying,
- the dates and times the harassment or bullying occurred,
- the names of any witnesses, and

- any action taken by the complainant to resolve the matter informally.

The respondent would need to be told the name of the complainant and the details of the complaint in order for the issue to be investigated properly. However, CCMAC will carry out the investigation as confidentially and sensitively as possible. A Sub-Committee of CCMAC, comprising the CCMAC Grievance Lead, the Secretary and one other member other than the complainant and the respondent, shall be appointed by the full Committee to determine whether the complaint is to be upheld and what action should be taken as a result. The respondent will have the opportunity to set out their own position on the complaint.

The CCMAC Grievance Lead and/or Secretary will be replaced by a further member if either is involved as either complainant or respondent.

Where the complaint is upheld and is deemed to be of sufficient gravity, the member(s) will be asked to resign from CCMAC. If necessary, CCMAC may by unanimous decision terminate the membership of the individual(s) in accordance with para 1c of its Constitution.

Special arrangements need to apply where the member against whom a complaint is upheld is:

- *A Lambeth Councillor, or a representative chosen by the Council:* a replacement would have to be selected by, in the case of a Lambeth Councillor, all the councillors representing the two specified wards, or in the case of a Council representative, by the Council, in both cases in accordance with the provisions on Membership in para 1 of the Constitution, following engagement throughout with Lambeth Council in accordance with its procedures.
- *A community representative of a Society or Association:* the Sub-Committee should agree with that Society or Association a replacement representative who will also be subject to the CCMAC's policies and code of conduct. In the event that the Society or Association seeks at a later date the reinstatement of the individual who has been replaced, CCMAC would agree to that reinstatement only if it is sufficiently assured that there should be no repetition of the bullying or harassment.

Once a determination has been completed, the CCMAC Grievance Lead will meet with the complainant to explain the findings of the investigation.

After that meeting (and normally within five working days), the CCMAC Grievance Lead will write to the complainant setting out the decision and notifying them of their right to appeal to the Chair if they are dissatisfied with the outcome. The complainant should put any appeal in writing explaining the reasons why they are dissatisfied with the decision. They should submit their appeal within five working days of receiving written confirmation of the decision.

If the complainant submits an appeal, they will be invited to attend a meeting with the Chair to consider it. The Chair will write to the complainant afterwards to confirm CCMAC's final ruling.

Parallel steps will be taken to inform the respondent of the Sub-Committee's decision, and they will have the same right of appeal.

4: DISCLOSURE AND CONFIDENTIALITY

We will treat personal data collected during this process in accordance with data protection law.

5: REVIEW

The policy will be reviewed annually in time for re-adoption at the CCMAC AGM.

Clapham Common Management Advisory Committee
November 2023