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## ADVICE NOTE FOR MEMBERS OF DEVOLVED PUBLIC BODIES ON BULLYING AND HARASSMENT

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### 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 right is supported by paragraph 3.3 of the Model Code of Conduct for Members of Devolved Public Bodies 2021, (the Code) which states:

I will not engage in any conduct that could amount to bullying or harassment (which includes sexual harassment). I accept that such conduct is completely unacceptable and will be considered to be a breach of [the] Code.

- 1.2 The Code also states (at paragraph 3.6):

I accept that it is my responsibility to understand what constitutes bullying and harassment and I will utilise resources, including the Standards Commission's guidance and advice notes, my public body's policies and training material (where appropriate) to ensure that my knowledge and understanding is up to date.

- 1.3 This Advice Note is intended to help members understand and adhere to the provisions in the Code outlined above, by providing further guidance as to what types of behaviour could constitute bullying and harassment. The Advice Note further aims to provide guidance to help members identify their responsibilities when they are in situations where such conduct could potentially occur.

- 1.4 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 any wider organisation, such as the public body itself or any outside organisation, in terms of morale and operational effectiveness.

- 1.5 Members are responsible for their own behaviour and you must ensure that you are aware of, and comply with, the provision concerning bullying and harassment in the Code and also any policy your public body has on ensuring dignity in the workplace.

## 2. Harassment

- 2.1 Harassment is any unwelcome behaviour or conduct which makes someone feel offended, humiliated, intimidated, frightened and / or uncomfortable. 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. Harassment has no legitimate workplace purpose.
- 2.2 It is 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 outlines 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, misogynistic behaviour, 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, sexual orientation or religious beliefs (either directly or with others);
  - sending unwelcome emails, messages or notes; and
  - 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 that 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 (including online posts).
- 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;
  - intimidatory behaviour including verbal abuse or the making of threats;
  - spreading malicious rumours;
  - 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. This can include speaking over someone or deliberately ignoring their input.

## 4. Your Specific Responsibilities as a Member

- 4.1 You should behave in accordance with the Code in all situations where you are acting as a member, have referred to yourself as a member or could objectively be considered to be acting as a member. This can include when you are on your public body's premises, representing your

public body on official business and when using social media. You should be mindful therefore that the Code may apply even in situations where you perceive yourself to be acting privately.

- 4.2 You should ensure that you are familiar, and comply, with the terms of any policy your public body 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 member. This includes employees of your public body, your fellow members and members of the public. You should not participate in, or condone, acts of harassment, discrimination, victimisation or bullying. You should, at all times, act in accordance with the provisions of the [Equality Act 2010](#).
- 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 employees 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 employee 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 your public body'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. This can include using non-verbal physical signals, such as nodding to show agreement, or sharing disclosing personal information about an individual that they may not want disclosed. It can also include 'liking', commenting on or re-posting content on social media and forwarding or copying colleagues or the media into emails. You should always be mindful of the 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 victim to seek support and assistance. You should 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 (see paragraph 5.4 below).

## 5. Further Sources of Information and Assistance

- 5.1 The Standards Commission has published guidance and advice notes on how to interpret, and act in accordance with, the provisions in the Code, 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](http://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](http://www.standardscommissionscotland.org.uk/cases/case-list).
- 5.3 If you have any queries or concerns about how to interpret or act in accordance with the provisions in the Code, you should seek assistance from your public body's Standards Officer.

Further information can also be obtained from the Standards Commission via email – [enquiries@standardscommission.org.uk](mailto:enquiries@standardscommission.org.uk).

- 5.4 If you are experiencing any form of bullying or harassment or know anyone who is, you should refer to your public body’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: The National Bullying Helpline (provides practical help and advice for children and adults dealing with bullying at school or work) Contact: 0845 22 55 787; [www.nationalbullyinghelpline.co.uk/](http://www.nationalbullyinghelpline.co.uk/)  
ACAS (provide guidance for employers and employees on bullying and harassment at work). Contact: Helpline at 0300 123 1100; [www.acas.org.uk](http://www.acas.org.uk)  
Scottish Women’s Rights Centre legal helpline. Contact freephone 08088 010 789.

