

EWELME PARISH COUNCIL

GENERAL & SEXUAL HARASSMENT POLICY

1. Purpose

Ewelme Parish Council is committed to providing a working environment in which all employees, workers, volunteers and councillors are treated with dignity, respect and fairness.

The Council will not tolerate bullying, harassment, sexual harassment, discrimination, intimidation, victimisation or any other behaviour which causes a person to feel threatened, humiliated, degraded, intimidated or unsafe in connection with their work for the Council.

The Council recognises its responsibility to protect its staff and other workers from inappropriate behaviour and will take reasonable and proportionate steps to prevent harassment from occurring.

This policy is intended to protect both those who may experience harassment and those who may be the subject of an allegation, by ensuring that concerns are dealt with fairly, sensitively, promptly and impartially.

2. Scope

This policy applies to:

- all employees of Ewelme Parish Council;
- contractors and consultants working for the Council;
- volunteers undertaking work on behalf of the Council;
- parish councillors when carrying out Council business;
- applicants for employment, where relevant;
- anyone attending Council meetings or events in a work related capacity.

The policy applies to behaviour occurring:

- in the Council workplace;
- at Council meetings;
- when undertaking Council business elsewhere;
- at Council events, training or social functions;
- through telephone calls, emails, letters, messaging services or social media;

- through any other communication connected with Council business.

The policy also recognises that harassment can be carried out by a third party, including a member of the public, contractor, supplier, councillor or representative of another organisation.

3. Council's commitment

Ewelme Parish Council will:

1. treat allegations of harassment seriously;
2. take reasonable steps to prevent harassment from occurring;
3. ensure staff know how to raise concerns;
4. provide appropriate support to anyone raising a concern;
5. investigate complaints fairly and impartially;
6. maintain confidentiality wherever reasonably possible;
7. protect individuals from victimisation for raising a genuine concern;
8. take appropriate action where harassment is found to have occurred;
9. take appropriate steps to protect staff from third-party harassment;
10. take action against deliberately malicious or knowingly false allegations where appropriate.

The Council will not tolerate a person's position, seniority, status or relationship with councillors being used to excuse inappropriate behaviour.

4. What is harassment?

Harassment is unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment may be a single serious incident or a pattern of behaviour.

Importantly, behaviour does not have to be intended to cause offence in order to constitute harassment. The effect of the behaviour and the circumstances in which it occurred will be considered.

Examples may include:

- insulting, humiliating or degrading comments;
- persistent criticism, ridicule or belittling;
- shouting, threatening or intimidating behaviour;
- aggressive or abusive language;
- offensive jokes or comments;
- unwanted comments about someone's appearance, age, sex, disability, race, religion or other protected characteristic;
- spreading malicious rumours;
- deliberately excluding or isolating someone;
- inappropriate touching or physical contact;
- unwanted personal communications;
- sending offensive images, messages or material;
- inappropriate comments on social media;
- repeatedly contacting a member of staff outside reasonable working arrangements;
- behaviour intended to undermine or frighten a member of staff.

Reasonable and proportionate management, supervision, performance management or challenge will not normally constitute harassment when carried out appropriately and respectfully.

5. Sexual harassment

Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Examples can include:

- sexual comments, jokes or stories;
- unwanted comments about someone's body, appearance or clothing;
- sexual remarks or innuendo;
- unwanted flirting or sexual advances;
- asking intrusive questions about someone's sex life;
- making sexual gestures;
- displaying or sending sexually explicit or offensive material;
- unwanted touching, hugging, kissing or other physical contact;

- making or requesting sexual propositions;
- commenting on someone's sexual orientation or perceived sexual orientation in a sexualised or offensive manner;
- sending unwanted sexual messages, photographs or images;
- making sexualised comments through email, messaging services or social media;
- suggesting that sexual cooperation could influence employment, work opportunities or treatment;
- making threats or treating someone unfavourably because they have rejected a sexual advance.

Sexual harassment can occur regardless of the sex or gender of the person involved and regardless of whether the person making the comment or behaviour believes it was intended as a joke.

6. Third-party harassment

Staff may come into contact with members of the public, councillors, contractors, suppliers and representatives of other organisations.

The Council recognises that harassment may come from someone who is not employed by the Council.

Examples may include:

- an abusive or threatening member of the public;
- inappropriate sexual comments made to a member of staff by a visitor;
- repeated unwanted contact from a resident;
- inappropriate behaviour by a contractor or supplier;
- harassment by a councillor towards an employee;
- offensive or sexualised comments made during a Council meeting.

Staff should not be expected to tolerate harassment simply because the person responsible is not a Council employee.

Where a concern is raised, the Council will consider what reasonable steps can be taken to prevent the behaviour from happening again.

Depending upon the circumstances, this may include:

- setting clear behavioural expectations;
 - restricting contact with a particular member of staff;
 - requiring communications to be made through another person;
 - changing meeting arrangements;
 - ensuring a member of staff is not required to deal with the individual alone;
 - issuing a warning to the person responsible;
 - involving the relevant organisation where appropriate;
 - reporting threatening or potentially criminal behaviour to the police.
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7. Harassment by councillors

Councillors have a particular responsibility to behave appropriately towards Council employees.

The Council recognises the importance of maintaining a clear distinction between:

- the democratic role of councillors; and
- the employment and management of Council staff.

Councillors must not use their position to intimidate, threaten, bully, harass or improperly influence a member of staff.

Where a councillor has concerns about the performance or conduct of a member of staff, those concerns should be raised through the appropriate Council management arrangements rather than directly confronting or intimidating the employee.

Where an allegation concerns the behaviour of a councillor, the matter will be handled impartially and may also be referred through the Council's complaints procedure, member code of conduct arrangements or other appropriate procedure, depending on the circumstances.

Nothing in this policy prevents the Council from referring a matter to the Monitoring Officer or another appropriate authority where this is necessary or appropriate.

8. Responsibilities of employees and councillors

Everyone covered by this policy has a responsibility to:

- treat others with dignity and respect;
- avoid behaviour which could reasonably be considered offensive or intimidating;
- consider how their words and actions may affect others;
- challenge inappropriate behaviour where it is safe and appropriate to do so;
- report serious or persistent inappropriate behaviour;
- cooperate honestly with any investigation.

Employees and councillors should not make deliberately malicious or knowingly false allegations.

However, a complaint which is not upheld will not automatically be regarded as a malicious or false allegation.

9. Raising a concern

Anyone who believes they have experienced or witnessed harassment is encouraged to raise the matter as soon as reasonably possible.

A person does not need to be certain that the behaviour legally constitutes harassment before raising a concern.

Concerns may initially be raised with:

The Clerk/RFO:

Joanna Brock

If the concern involves the Clerk/RFO, the employee should report the matter to:

The Chair of Ewelme Parish Council:

Barry Tindall

If the concern involves the Chair, the employee should report the matter to:

The Vice-Chair:

Rebecca Lanigan

Alternative arrangements should be made where necessary to ensure that a complaint is dealt with by someone who is independent of the matter.

Employees may also seek advice from their trade union representative or an independent adviser.

10. Informal resolution

Where appropriate, and depending on the seriousness of the matter, a concern may be dealt with informally.

This may involve:

- explaining to the person responsible that their behaviour is unwelcome;
- asking them to stop the behaviour;
- having an informal meeting;
- agreeing appropriate boundaries;
- mediation, where appropriate and agreed by those involved;
- providing guidance or training.

An employee will not be required to confront the person responsible if they do not feel comfortable or safe doing so.

Serious allegations, including allegations of sexual harassment, threats, intimidation or physical behaviour, may require formal investigation without an informal stage.

11. Formal complaints

Where a formal complaint is made, the Council will follow an appropriate fair procedure.

The procedure will normally include:

1. recording the complaint;
2. acknowledging receipt;
3. assessing any immediate risks;
4. appointing an appropriate and impartial person to investigate;
5. gathering relevant evidence;
6. speaking to the person making the complaint;
7. giving the person complained about a fair opportunity to respond;
8. interviewing relevant witnesses where appropriate;
9. considering all available evidence objectively;
10. reaching a reasoned conclusion;
11. taking appropriate action;
12. communicating the outcome as far as reasonably possible.

The Council will not assume that an allegation is either true or false before the investigation has taken place.

Where appropriate, an external investigator or HR professional may be appointed, particularly where:

- the allegation concerns a councillor;
- the allegation concerns the Clerk;
- there is a conflict of interest;
- the matter is particularly serious;
- there is a risk that the Council cannot investigate impartially.

12. Confidentiality

All complaints and investigations will be handled sensitively and confidentially wherever reasonably possible.

Information will only be shared with those who need it to deal with the matter appropriately.

However, confidentiality cannot be guaranteed in all circumstances. For example, information may need to be disclosed where required by law, necessary to protect someone from harm, or necessary to conduct a fair investigation.

Everyone involved in a complaint or investigation is expected to respect confidentiality.

13. Protection from victimisation

No person will be treated unfairly because they:

- raise a genuine concern;
- make a complaint;
- support someone who has made a complaint;
- act as a witness;
- participate in an investigation;
- provide evidence;
- exercise their legal rights.

Victimisation or retaliation will be treated as a serious matter and may itself result in disciplinary or other appropriate action.

14. Protection of the person complained about

The Council is committed to protecting employees from harassment, but it is equally important that allegations are handled fairly.

A person who is the subject of a complaint will:

- be informed of the substance of the allegation where appropriate;
- have a fair opportunity to respond;
- be treated impartially;
- be entitled to appropriate representation or accompaniment at formal meetings in accordance with the relevant procedure;
- not be treated as guilty merely because an allegation has been made.

Where appropriate, temporary measures may be put in place while an investigation is ongoing.

15. Immediate protection and serious incidents

Where there is an immediate risk to the health, safety or wellbeing of an employee, the Council will take reasonable steps to protect them.

Depending on the circumstances, this could include:

- changing working arrangements;
- ensuring the employee is accompanied;
- preventing direct contact between individuals;
- changing meeting arrangements;
- restricting access to Council premises;
- arranging alternative communication methods;
- seeking professional advice;
- contacting the police where behaviour may constitute a criminal offence.

The Council will take particular care not to disadvantage the person who has raised the complaint simply because they have reported harassment.

16. Disciplinary action

Where an investigation establishes that harassment has occurred, the Council may take disciplinary action in accordance with its disciplinary procedure.

Depending on the seriousness of the conduct, this could include:

- an informal warning;
- formal warning;
- final written warning;
- other appropriate disciplinary action;
- dismissal where justified.

Serious misconduct may amount to gross misconduct and could result in dismissal.

Where the person responsible is not an employee, the Council will consider what other appropriate action is available.

17. Malicious or deliberately false complaints

The Council encourages people to raise genuine concerns and will not penalise anyone simply because their complaint is not upheld.

However, knowingly making a false or malicious allegation, deliberately providing false information, or making a complaint for the purpose of harming another person may constitute misconduct and may be dealt with under the appropriate procedure.

A complaint which cannot be substantiated will not, by itself, be considered malicious or dishonest.

18. Support for employees

The Council recognises that harassment can have a significant effect on a person's wellbeing.

Where appropriate, the Council will consider reasonable support for anyone affected, including:

- a confidential discussion with an appropriate person;
- trade union representation;
- reasonable time to attend relevant appointments;
- temporary adjustments to working arrangements;
- signposting to appropriate professional support;
- appropriate workplace adjustments.

Support may also be offered to witnesses and, where appropriate, to anyone involved in an investigation.

19. Prevention of sexual harassment

The Council will take reasonable steps to prevent sexual harassment.

These steps may include:

- making this policy available to all staff and councillors;
- ensuring staff know how to report concerns;
- providing appropriate training and information;
- assessing risks of sexual harassment;
- reviewing workplace arrangements and Council activities;
- considering risks associated with lone working, meetings and contact with members of the public;
- taking action when concerns are raised;
- reviewing incidents to identify whether further preventative measures are required.

The Council will keep its approach under review and amend preventative measures where circumstances or identified risks change.

20. Risk assessment

The Council will consider the risk of harassment as part of its general approach to workplace health, safety and wellbeing.

Particular consideration will be given to situations where staff may:

- work alone;
- deal with members of the public;
- deal with individuals who have previously behaved aggressively or inappropriately;
- attend meetings outside normal working arrangements;
- receive unwanted communications;
- be exposed to inappropriate behaviour through digital communications or social media.

Where risks are identified, the Council will consider proportionate measures to reduce those risks.

21. Records and data protection

The Council will maintain appropriate records of complaints, investigations and actions taken.

Personal information will be handled in accordance with the Council's data protection policies and applicable data protection legislation.

Information will be retained only for as long as necessary and appropriate.

22. Monitoring and review

The Parish Council will review this policy at least annually, or sooner where:

- legislation or official guidance changes;
- an incident identifies a need for amendment;
- working arrangements change;
- a risk assessment identifies additional risks;
- experience of using the policy indicates that changes are necessary.

The Council will also consider whether incidents or complaints indicate any wider preventative action is required.

23. Statement of zero tolerance

Ewelme Parish Council believes that everyone working for or on behalf of the Council has the right to be treated with dignity and respect.

Harassment, bullying, sexual harassment, intimidation and victimisation will not be tolerated.

The Council will take concerns seriously, investigate them fairly and take appropriate action to protect its staff and others working with the Council.

This policy is intended not only to protect employees from harassment, but also to ensure that allegations are dealt with fairly and that the Council, its councillors and its staff are protected by having a clear, consistent and transparent process.