

Anlaby with Anlaby Common Parish Council

Harassment Policy & Procedure

Introduction and Background

This document sets out the Policy for Anlaby with Anlaby Common Parish Council so that it can discharge its duties under the Equality Act 2010. It contains the following information:

Introduction and Background	1
Policy	1
Examples of harassment	2
Examples of personal harassment.....	2
Examples of sexual harassment.....	3
Examples of victimisation.....	3
Third party harassment	3
Responsibilities.....	4
Worker's responsibilities	4
Council's responsibilities	4
Dealing with harassment and/or bullying.....	4
Informal method	4
Formal method.....	5
Mandatory Reporting	6
Administration.....	7
Appendix 1 – Harassment Process Flow Chart	8

Policy

1. The Council recognises that harassment and victimisation is unlawful under the Equality Act 2010. As such, harassment or victimisation on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation is unacceptable and will not be tolerated.
2. This Policy applies to everyone working for or on behalf of the council, whether in a formal or informal capacity. It therefore applies to council members, employees, consultants, contractors, volunteers and anyone undertaking tasks in support of the council's business. For this policy anyone engaged in tasks for the council is referenced as a 'worker'.
3. Personal harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse. For the purposes of this policy, it also includes bullying.



4. Bullying is understood to be targeted and persistently offensive, intimidating, malicious or insulting behaviour and can include the abuse or misuse of power to undermine, humiliate, denigrate or injure the recipient.
5. Whatever form it takes, personal harassment is always taken seriously and is totally unacceptable.
6. The Council recognises that personal harassment can exist in the workplace, as well as outside, and that this can seriously affect workers lives by interfering with their performance or by creating a stressful, intimidating and unpleasant environment.
7. The Council deplores all forms of personal harassment and seeks to ensure that the environment is sympathetic to all workers. The aim of this policy is to inform workers of the type of behaviour that is unacceptable and provide those, who are the victims of personal harassment, with a means of redress.
8. This policy covers all areas and activities of the Council. This includes overseas activity, subject to any applicable local laws which impose any additional requirements on the Organisation.
9. The Council recognises that it has a duty to implement this policy and all those involved in council activity are expected to comply with it. The Council will also review this policy at regular intervals in order to monitor its effectiveness and accuracy.

Examples of harassment

Examples of personal harassment

10. Personal harassment takes many forms and workers may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one person towards another and examples of harassment include:
 - Insensitive jokes and pranks.
 - Lewd or abusive comments.
 - Deliberate exclusion from conversations.
 - Displaying abusive or offensive writing or material.
 - Abusive, threatening or insulting words or behaviour.
 - Name-calling.
 - The use of inappropriate nicknames or nicknames that the recipient is uncomfortable with.
 - Picking on someone or setting them up to fail.
 - Exclusion or victimisation.
 - Undermining their contribution/position.
 - Demanding a greater work output than is reasonably feasible.
 - Blocking development or advancement.
11. These examples are not exhaustive and disciplinary action at the appropriate level will be taken against worker committing any form of personal harassment.



Examples of sexual harassment

12. Sexual harassment can take place in many forms within the workplace and can go undetected for a period of time where workers do not understand that particular behaviour is classed as sexual harassment. Sexual harassment is unwanted behaviour related to sex, or of a sexual nature, by one person towards another and examples of sexual harassment include:

- Lewd or abusive comments of a sexual nature such as regarding an individual's appearance or body.
- Unwelcome touching of a sexual nature.
- Displaying sexually suggestive or sexually offensive writing or material.
- Asking questions of a sexual nature.
- Sexual propositions or advances, whether made in writing or verbally.

13. Sexual harassment can also take place where a worker is treated less favourably because they have rejected, or submitted to, the unwanted conduct that is related to sex or is of a sexual nature. Whether less favourable treatment occurs as a result will be examined broadly and includes areas such as blocking promotion and refusal of training opportunities or other development opportunities.

Examples of victimisation

14. Victimisation takes place when a worker is treated unfavourably as a direct result of raising a genuine complaint of discrimination or harassment. Furthermore, any worker who supports or assists another worker to raise a complaint is also subjected to victimisation if they are treated unfavourably.

Third party harassment

15. The Council operates a zero-tolerance policy in relation to harassment perpetrated against one of its workers by a third party, such as a member of the wider community, a client, allied council worker or visitor. All workers are encouraged to report any and all instances of harassment that involve a third party in line with the reporting procedure, as outlined below.

16. If the Council find that the allegation is well-founded, the Council will take the steps deemed necessary in order to remedy the complaint. This can include, but is not limited to:

- Warning the individual about the inappropriate nature of their behaviour.
- Banning the individual from Council activities and premises.
- Reporting the individual's actions to the police.

17. In addition to this, the Council will endeavour to take all reasonable steps to deter and prevent any form of harassment from third parties taking place.



Responsibilities

Worker's responsibilities

18. The Council requires all its workers to behave appropriately and professional at all times, and this may extend to events outside of working hours which are classed as work-related such as social events. Workers should not engage in discriminatory, harassing or aggressive behaviour towards any other person at any time.
19. Any form of harassment or victimisation may lead to disciplinary action up to and including dismissal if it is committed:
 - In a situation connected with the discharge of the councils' duties.
 - During any situation related to the council, such as a social event
 - Against a colleague or other person connected to the council or wider community, including on social media .
 - Against anyone in the wider community where the incident is relevant to their suitability to carry out the role.
20. A breach of this policy will be treated as a disciplinary matter

Council's responsibilities

21. The Council will be responsible for ensuring all workers understand the rules and policies relating to the prevention of harassing and bullying behaviour at work and during work-related social events. The Council will promote a professional and positive workplace whereby everyone is alert and proactively identify areas of risk and incidents of harassment, sexual harassment and bullying.
22. The Council will also take into account aggravating factors, such as abuse of power over a more junior workfellow, when deciding what disciplinary action to take.
23. Where an incident is witnessed, or a report is made under this policy, the Council will take prompt action to deal with this matter. All incidents will be deemed serious and dealt within in a sensitive and confidential manner.

Dealing with harassment and/or bullying

Informal method

24. The Council recognises that complaints of personal harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for such issues to be raised through a normal grievance procedure. In these circumstances they can be raised with another senior colleague on the council or a councillor as a confidential helper.
25. If individuals are the victim of minor harassment they should make it clear to the harasser, on an informal basis, that their behaviour is unwelcome and ask the harasser to stop. If they feel unable to do this verbally then they should hand a written request to the harasser, and a confidential helper can assist with this.



Formal method

26. Where the informal approach fails, or if the harassment is more serious, individuals should bring the matter to the attention of either the Clerk of the Council, the Chair, the Deputy Chair or a Councillor as a formal written grievance and again a confidential helper can assist with this. If possible, notes should be kept of the harassment so that the written report can include:
- The name of the alleged harasser.
 - The nature of the alleged harassment.
 - The dates and times when the alleged harassment occurred.
 - The names of any witnesses.
 - Any action already taken to stop the alleged harassment.
27. Where it is not possible to make a formal report to the above-named people, for example where they are involved in the alleged harassment, the Council encourages reporting via the East Riding of Yorkshire Council's Parish Open Door office.
28. On receipt of a formal report of harassment the Council will take action to separate the complainant from the alleged harasser to enable an uninterrupted investigation to take place. This may involve the introduction of temporary working practices or suspension until the matter has been resolved.
29. On conclusion of the investigation, which will normally be within 28 calendar days of the initial report, a full report of the findings will be submitted to the Chair of the Council who will hold a grievance meeting.
30. This meeting will be at a reasonable time and place to discuss matters in person and go through the content of the report. Everyone has the right to be accompanied at such a meeting by a colleague or helper. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a further disciplinary matter.
31. Those at the meeting and involved directly in the Harassment will be able to put their case and perspective forward at the meeting and the Chair will explain the outcome of the investigation.
32. Those at the meeting also have a right to appeal the outcome. Such an appeal is to be made to the Chair of the Parish Council within 7 calendar days of receiving the outcome and details of any remedy. If there is no one in the Council appropriate to receive the appeal, for example because they are involved or have been part of the investigation or decision-making process, the matter should be escalated to the ERYC Parish Open Door office.
33. If the decision is that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with the disciplinary procedure, up to and including dismissal.
34. Throughout the process, those investigating the issues raised need to be aware of:
Firstly – Whether the behaviour is an infringement of the elected/coopted members Councillor Code of Conduct (2020) and if the matter should be reported to the District Monitoring Officer.



Secondly – Behaviour that amounts to Misconduct in Public Office (Common Law). This offence is committed when: a public officer, acting as such, wilfully neglects to perform their duty and/or wilfully misconducts themselves to such a degree as to amount to an abuse of the public's trust in the office holder, without reasonable excuse or justification.

35. The Council is committed to ensuring workers are not discouraged from using this procedure and no one will be victimised for having brought a complaint.

Mandatory Reporting

36. The forthcoming Crime and Policing Bill (due in parliament spring 2025) will levy a duty to report specific types of sexual misconduct upon public officials and bodies. Broadly, the duty applies to people whose roles involve a degree of care or responsibility for children, such as teachers and healthcare professionals. Although this does not directly apply to Parish Councils, or their workers, the council is keen to abide by the principles of the legislation to ensure comprehensive safeguarding of the young and vulnerable is in place.
37. Mandatory reporting requirements centre on activities against children, that is those who are under 18 years of age.
38. The Parish Council will look to go further and extend the mandatory reporting requirement to vulnerable adults, i.e. someone with a disability or who residing in supported accommodation (*The Police Act 1997 (Protection of Vulnerable Adults) Regs 2002*).
39. It is important to note that such conditions may not be immediately obvious and if suspicions arise it may be appropriate to seek advice from someone who is independent of the situation.
40. The Parish Council is keen to ensure that working for or with the council, or attending events organised by it, occurs in a safe and welcoming environment. It is keen to ensure people in both these groups are encouraged to work with it on parish matters.
41. Therefore, if the Parish Council, including anyone undertaking duties connected with the discharge of the council duties, witnesses, suspects or has reported to them that a person under the age of 18, or a vulnerable adult, is the subject of sexual harassment the matter must be reported to an appropriate member of the council as outlined above (Para 26).
42. Utmost discretion and sensitivity should be used, both in making such a report and throughout the following investigation.
43. During the investigation the matter of whether mandatory reporting should be invoked will be considered.
44. Nothing in this section applies to behaviour that is clearly a criminal offence. In such cases normal reporting rules to the Police should be followed.



Administration

45. This Policy will be approved by the whole Council. It will be reviewed regularly by the council. Amendments will be controlled using configuration management and version control. With any amendments also being approved by the full council.
46. The Clerk of the Council will ensure that all those working on behalf of the council, and new councillors, are provided with a copy of the policy. A record will be kept detailing the date that the councillor has been provided with a copy of the policy along with a signed affirmation from the councillor that they have read, understood and will apply the policy.
47. It is the responsibility of everyone connected with the discharge of the council's business to ensure that this policy is implemented and that anyone working for the council in any capacity or supporting the discharge of its duties is aware of this policy and abides by it.
48. At least once a year all those directly involved with discharging the councils' duties will undertake a knowledge check of this Policy, as the law requires all origination to take 'proactive steps' to demonstrate adherence and application of the law. The results of this will advise if further training or input is needed.
49. **The last review date of this policy was 13th February 2025.**

- END -



Appendix 1 – Harassment Process Flow Chart

