

Halton Holegate with Halton Fenside Parish Council

Sexual and General Harassment Policy

January 2025

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1. Introduction

- a. Halton Hologate with Halton Fenside Parish 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.
- b. 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 direct or indirect bullying.
- c. Bullying is understood to be targeted and persistent offensive, intimidating, malicious or insulting behaviour and can include the abuse or misuse of power to undermine, humiliate, denigrate, or injure the recipient.
- d. Whatever form it takes, personal harassment is always taken seriously and is unacceptable.
- e. Halton Hologate with Halton Fenside Parish Council recognises that personal harassment can exist in the workplace, as well as outside, and that this can seriously affect employees' working lives by interfering with their job performance or by creating a stressful, intimidating, and unpleasant working environment.
- f. Halton Hologate with Halton Fenside Parish Council and deplores all forms of personal harassment and seek to ensure that the working environment is sympathetic to all our employees. The aim of this policy is to inform employees of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment with a means of redress.
- g. This policy covers all areas and works of the Parish Council.
- h. Halton Hologate with Halton Fenside Parish Council recognises its duty to implement this policy, and all employees are expected to comply with it.
- i. Elected Members are expected to behave in accordance with the general guidance within this policy and in line with the adopted Code of Conduct.
- j. This policy will be reviewed at bi-annually or as legislation dictates.

2. Examples of Personal Harassment

- a. Personal harassment takes many forms and employees, and elected Members may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one employee or Councillor towards another employee or Councillor and examples of harassment include (but are not limited to):
 - i. insensitive jokes and pranks.
 - ii. lewd or abusive comments.
 - iii. deliberate exclusion from conversations.

- iv. displaying abusive or offensive writing or material.
- v. abusive, threatening, or insulting words or behaviour.
- vi. name-calling.
- vii. picking on someone or setting them up to fail.
- viii. exclusion or victimisation.
- ix. undermining their contribution or position.
- x. making false allegations or statements (verbal or written).
- xi. demanding a greater work output than is reasonably feasible.
- xii. blocking promotion or other development or advancement.

- b. These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment. Matters raised in respect of elected Member behaviour will be referred to the Monitoring Officer.

3. Examples of Sexual Harassment

- a. Sexual harassment can take place in many forms within the workplace and can go undetected for a period where employees do not understand that behaviour is classed as sexual harassment. Sexual harassment is unwanted behaviour related to sex, or of a sexual nature, by one employee towards another and examples of sexual harassment include:
 - i. lewd or abusive comments of a sexual nature such as regarding an individual's appearance or body.
 - ii. unwelcome touching of a sexual nature.
 - iii. displaying sexually suggestive or sexually offensive writing or material.
 - iv. asking questions of a sexual nature.
 - v. sexual propositions or advances, whether made in writing or verbally.
- b. Sexual harassment can also take place where an employee 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.

4. Examples of Victimisation

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

5. Third Party Harassment

- a. Halton Hologate with Halton Fenside Parish Council operates a zero-tolerance policy in relation to harassment perpetrated against one of its employees by a third party, such as a client/customer or visitor to the Parish Council. All employees and Elected members are encouraged to report all instances of harassment that involve a third party in line with our reporting procedure, as outlined below.

- b. If the Parish Council finds that an allegation is well-founded, it will take steps deemed necessary to remedy this complaint. This can include, but is not limited to:
 - i. warning the individual about the inappropriate nature of their behaviour.
 - ii. banning the individual from Parish Council premises.
 - iii. reporting the individual's actions to the police.
- c. In addition to this, the Parish Council will endeavour to take all reasonable steps to deter and prevent any form of harassment from third parties taking place.

6. Employee responsibilities

- a. Halton Hologate with Halton Fenside Parish Council requires its employees and elected Members to always behave appropriately and professional during the working day, and this may extend to events outside of working hours which are classed as work-related such as social events. Employees and elected Members should not engage in discriminatory, harassing, or aggressive behaviour towards any other person at any time.
- b. Any form of harassment or victimisation may lead to disciplinary action up to and including dismissal if it is committed:
 - i. in a work situation.
 - ii. during any situation related to work, such as a social event.
 - iii. against a colleague or other person connected to the employer outside of a work situation, including on social media.
 - iv. against anyone outside.
- c. A breach of this policy will be treated as a disciplinary matter for employees.

7. Elected Member responsibilities.

- a. Halton Hologate with Halton Fenside Parish Council expects, and the adopted Code of Conduct requires its elected Members to always behave appropriately and professional during the working day and meetings, and this may extend to events outside of working hours which are classed as work-related such as social events.
- b. Elected Members should not engage in discriminatory, harassing, or aggressive behaviour towards any other person at any time.
- c. A breach of this policy by elected Members will be referred to the Monitoring Officer as a code of conduct breach.

8. Organisation Responsibilities

- a. Halton Hologate with Halton Fenside Parish Council will promote a professional and positive workplace whereby managers are alert and proactively identify areas of risk and incidents of harassment, sexual harassment, and bullying.
- b. Halton Hologate with Halton Fenside Parish Council will also consider aggravating factors, such as abuse of power over a more junior colleague, when deciding what disciplinary action to take.

- c. Where an incident is witnessed, or a complaint is made under this policy, Halton Hologate with Halton Fenside Parish 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.

9. Informal Complaints about harassment and/or bullying (staff members)

- a. Halton Hologate with Halton Fenside Parish Council recognise 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 you to raise the issue through the adopted grievance procedure.
- b. In these circumstances, complainants are encouraged to raise such issues with a colleague of their choice whether that person has a direct supervisory responsibility for them or not (as a confidential helper) or an elected Member (as a confidential helper).
- c. If the complainant is 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 the complainant feels unable to do this verbally then they should hand a written request to the harasser. The colleague or confidential helper can assist you in this.

10. Formal Complaints about harassment and/or bullying (staff members)

- a. Where the informal approach fails or if the harassment is more serious, the complainant should bring the matter to the attention of the Parish Clerk & RFO or Chair of the Council as a formal written grievance. The senior colleague or confidential helper can assist you in this. If possible, you should keep notes of the harassment, and the written complaint can include:
 - i. the name of the alleged harasser.
 - ii. the nature of the alleged harassment.
 - iii. the dates and times when the alleged harassment occurred.
 - iv. the names of any witnesses.
 - v. any action already taken by you to stop the alleged harassment.
- b. Where it is not possible to make the formal complaint to the above-named person (for example where they are the alleged harasser), Halton Hologate with Halton Fenside Parish Council encourages the complainant to raise their complaint with the Personnel Committee.
- c. On receipt of a formal complaint, Halton Hologate with Halton Fenside Parish Council will take action to separate the complainant from the alleged harasser to enable an uninterrupted investigation to take place.
- d. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.
- e. On conclusion of the investigation, which will normally be within seven working days of the meeting with the complainant, a report of the findings will be

submitted to the appointed Grievance Panel who will undertake a grievance meeting.

- f. The complainant will be invited to attend a meeting, at a reasonable time and location, to discuss the matter once the Grievance Panel has had opportunity to read the report. The complainant has the right to be accompanied at this meeting by a colleague or trade union representative and they must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be seen as a disciplinary matter.
- g. The complainant will be able to put their case forward at the meeting and the chair of the group will explain the outcome of the investigation. The complainant has a right to appeal the outcome if they disagree, which is to be made to the Chair of the appointed Appeals Panel within seven working days of the complainant receiving the outcome.
- h. If the decision is that the allegation is well founded and proven, the harasser will be liable to disciplinary action in accordance with the Halton Hologate with Halton Fenside Parish Council adopted Disciplinary Policy.
- i. Halton Hologate with Halton Fenside Parish Council is committed to ensuring employees are not discouraged from using this procedure and no employee will be victimised for having brought a complaint.

11. Complaining about harassment and/or bullying (elected Members)

- a. Whilst Halton Hologate with Halton Fenside Parish Council and the adopted Code of Conduct for elected Members requires elected Members to always behave appropriately and professionally during the working day and at meetings, this may also extend to events outside of working hours which are classed as work-related such as social events.
- b. Complaints against elected Members must be addressed to the Monitoring Officer of East Lindsey District Council.