



MILLOM TOWN COUNCIL

HARASSMENT AT WORK – POLICY & PROCEDURE

ADOPTED: 23.02.2022 REVIEW: FEBRUARY 2023

Policy & Procedure on Harassment Introduction by Cath Jopson, Clerk to Millom Town Council

Dated: 23rd February 2022

Review Date: February 2023

This Harassment Policy is a new policy which Millom Town Council will adopt and is a further extension of the Council's commitment to Equal Opportunities. The Policy outlines the responsibility of the Council and all employees to maintain a working environment where harassment and any other form of bullying are not tolerated and complaints are resolved. The Council regards preventing harassment and bullying at work as an integral part of good management practice and all councillors and staff are responsible for ensuring that staff are treated with dignity and respect.

Although complaints of harassment or bullying across the Council are rare, an effective procedure whereby such complaints can be investigated and resolved is essential. The Harassment Policy provides for both informal and formal action. This is because informal action, when appropriate, often provides a good opportunity to resolve an individual case in a sensitive, speedy and effective way.

This policy and procedure will be circulated to all Councillors and employees currently in post and to any new employees as part of their induction. It is recommended for adoption by Councillors in relation to all staff.

Please keep this document carefully and retain for future reference.

HARASSMENT AT WORK: Policy Statement

Definition of Harassment:

Harassment is unwanted conduct which reasonably can be considered, taking into account the perception of the complainant, to have the purpose or effect of:

- Violating another person's dignity or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment

Harassment in the workplace including on the grounds of religion or belief, colour, race, nationality or ethnic or national origins, marital status, sex, sexual orientation, disability or age is potentially unlawful. Such harassment, or bullying on any other basis is unacceptable within a working environment.

Definition of Bullying:

Bullying may be characteristic as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Introduction:

Millom Town Council are committed to maintaining an environment where all employees can seek, obtain and hold employment without discrimination, harassment or bullying. This policy statement sets out the responsibilities of the Council, its councillors and all staff regarding all areas of harassment and bullying. It is an extension of the Town Council's Equal Opportunities Policy.

Millom Town Council recognises that harassment is intimidating and can be a harmful and distressing form of discrimination. As an essential part of eradicating discrimination, harassment will not be tolerated in any of the Town Council's workplaces. Both harassment and bullying can lower morale, cause distress, anxiety, fear, ill-health and interfere with the effectiveness of service delivery.

Harassment by Colleagues:

Millom Town Council considers that harassment or bullying from one employee to another is unacceptable in the workplace.

Depending on the circumstances formal action may be taken under the Council's Disciplinary Code. In severe cases this could be investigated as a matter of potential gross misconduct which if found may result in the dismissal of the employee concerned from Millom Town Council's service.

Harassment by Third Parties:

- Millom Town Council will not accept harassment or bullying of its staff by third parties e.g.: other members of the public or contractor's staff. Staff are not expected to tolerate such incidents and if an employee believes that he or she has experienced harassment or bullying from a third party with whom the Town Council has dealings with, this should be reported to a senior officer for investigation. Depending on the circumstances, a warning letter may be issued to the individual or their employer. Possible withdrawal of service or removal of a contractor's employee if engaged on work with the Town Council may then follow.
- Likewise, complaints by service users of harassment from members of staff will be taken seriously and may be investigated under the employee's' Disciplinary Code as a matter of potential gross misconduct which if found may result in dismissal from Millom Town Council's service.

Employees Responsibilities:

- Harassment and bullying are unacceptable in the workplace and may, if unchecked, create serious problems for an organisation such as poor morale, poor performance, damage to reputation and lead to legal proceedings.
- The general principles of employer liability in discrimination cases are set out below:

Anything done by a person in the course of his employment shall be treated as done by his employer as well as by that person, whether or not it was done with the employer's knowledge or approval. An employer cannot avoid liability for harassment by showing that it did not know harassment was taking place.

- However, the law on discrimination provides that in proceedings brought against any employer in respect of an act alleged to have been done by an employer to prove that he took such steps as were reasonably practicable to prevent the employee from doing that act, or from doing acts of that description in the course of employment. Examples of such steps would be implementing and enforcing an equal opportunities policy and/or harassment policy which is supported by appropriate training programmes.
- There is a legal duty on local authorities to ensure that their various functions are carried out with due regard to the need to: -
 - a) Eliminate unlawful discrimination; and
 - b) Promote equality of opportunity and good relations between persons of different groups

Consequently, as part of this duty, for the reasons set out above and as a basic principle of good employment practice, councillors/heads of staff must investigate allegations of harassment thoroughly.

Councillor's/Supervisor's Responsibility:

The policy imposes a positive duty on all councillors and supervisors to take practical steps to ensure that each workplace is free of harassment or bullying and to initiate appropriate disciplinary action if necessary. Failure to carry out these responsibilities may warrant an investigation under the Employee's Disciplinary Code.

Employees' Responsibilities:

All employees are instructed to observe this policy and to treat colleagues with dignity and respect at all times. Complaints of harassment or bullying towards colleagues will be taken seriously and may be investigated under the Employees' Disciplinary Code as matter of potential gross misconduct from the Council's service.

Millom Town Council will take all complaints of harassment or bullying seriously and take appropriate action. Consequently, allegations must never be made lightly or maliciously. They have potentially very serious consequences and should only be initiated by an employee because of a genuinely held belief that harassment or bullying has occurred.

However, if an employee is genuinely concerned about an incident but is in doubt as to whether the circumstances would amount to harassment or bullying then the employee should raise the matter with the Clerk on 01229 772340 or the employee may wish to raise the matter with a Town Council Councillor.

Victimisation:

- Employees need not fear victimisation for making or being involved in a harassment or bullying complaint. Any allegation of victimisation or retaliation against an employee for bringing a complaint of harassment or bullying will be investigated as a disciplinary offence, including instances when an employee raises the matter on behalf of another employee and believes he/she has been victimised as a result.

Policy Monitoring and Review:

This policy, its application, the procedure and individual cases brought through its use will be the subject of regular monitoring and review by the Town Council. The policy and procedure do not form part of the contract of employment. The Town Council reserves the right to amend them from time to time as appropriate.

Use of Procedure:

- To ensure that this policy works as intended, the Town Council has an approved procedure to deal with any allegation of harassment or bullying. This procedure provides for both informal and formal action. In some cases, informal action is likely to be the quickest and most effective way to handle such situations – by reporting to the Mayor/Supervisor or by asking the perpetrator to stop and making it clear that the behaviour is unwelcome. If the behaviour which has caused offence is considered to be harassment or bullying, whether verbal, written or physical and does not change, the matter should be discussed with the Mayor via clerk. Appropriate confidentiality will be maintained throughout all stages.
- If the informal approach fails or if the incident is sufficiently offensive and serious, a written complaint should be made to either the Mayor via the Town Clerk of the Council.
- If the alleged offender is the immediate officer in charge any complaint should be made to the next most senior line manager. In response to a formal complaint which alleges harassment, victimisation or retaliation a disciplinary investigation will be undertaken. Subsequently, where an offence is found to have been committed, dependent on the severity or persistence of the offence, this could result in dismissal from the Council.

PROCEDURE TO BE USED IN CASES OF ALLEGED HARASSMENT

Informal Action:

- If you feel you are being harassed or bullied by a colleague, generally the quickest and most effective way to handle such situations is for you to approach this person making it clear that the behaviour is unwelcome and must stop. This is usually entirely appropriate and guidance and support can be sought from your line manager or departmental personnel officer. In circumstances where it is too difficult for you to do this yourself, you may want to arrange to be accompanied by another councillor or colleague. You should ensure that a record of such discussions is kept and of any subsequent harassment or bullying.
- If the behaviour does not change following such an approach you should raise this with the Mayor via the Clerk if possible.
- It should be noted that in some instances the severity of the behaviour may mean this informal approach is inappropriate. Although the decision as to whether to make a formal complaint under the relevant procedure rests with the complainant, in certain cases of serious or persistent inappropriate behaviour the Town Council reserves the right to undertake enquiries and to

deal with the case as appropriate in all the circumstances. This may include use of the procedure set out below for dealing with formal complaints.

Observed Harassment of a Colleague:

- If you observe a situation where you believe that a colleague is being harassed or bullied, you should first check with that person as to whether they want support in making a complaint. If the person does not wish to make a complaint you should still encourage them to report the incident to the Mayor via the Town Clerk on a confidential basis for discussion on the available options. Alternatively, a confidential report of the situation may be submitted to the Mayor via the Town Clerk.

Harassment by a Third Party who is not a Member of Staff:

- You should normally report the matter straight away to your immediate line manager. The manager shall then investigate the allegation in accordance with Council's policy.

Confidential Advice and Support:

- If you require assistance, you can seek advice, information and support in confidence by contacting the Mayor via the Town Clerk.

Formal Action:

- If an informal approach fails to stop the harassment or bullying or if you consider that the behaviour is particularly offensive and serious you should make an immediate complaint to your line manager and confirm it in writing afterwards. If the alleged perpetrator is your Mayor via the Clerk, the complaint should be made to the next most senior councillor.

Action to be Taken by Mayor, Councillor or Clerk on receiving a Formal Complaint of Harassment:

- On receiving a formal complaint of harassment or bullying the Clerk or Councillor should notify either the Clerk in the first instance (if issue is with the Clerk the Mayor is next in line to be informed) Mayor or Deputy Mayor (whoever has not been informed of the complaint). The Mayor should be informed of the allegation which has been made together with a general indication of its nature. However, no detailed information shall be given in order to prevent prejudicing any possible future disciplinary action.

- A copy of the complaint should be sent to the Clerk for monitoring. The complaint should give as much detail as possible of incidents and any informal attempts made to stop behaviour. A harassment complaint form can be obtained from the Clerk.
- The Clerk will be responsible for appointing an investigating officer who shall examine all the circumstances of the complaint and determine whether formal disciplinary action is warranted.
- The Clerk will normally be the employee's first point of call but depending on the circumstances an independent officer may be appointed to undertake this role.
- In cases where the alleged perpetrator is employed in a different department from the complainant the Clerk should notify the Mayor or Deputy Mayor of the complainant's allegation.
- Employees making an allegation of harassment or bullying or those accused of such behaviour shall have an entitlement to be accompanied with a friend at any formal hearing under the Town Council's procedures. At an investigatory stage, similar arrangements for representatives should not be reasonably refused.
- The Clerk will contact the Cumbria Association of Local Councils (CALC) to seek advice on procedures and to determine appropriate action in handling complaints.
- If an employee brings a complaint under this procedure at a time when a formal action under another of the Council's Codes and Procedures is being contemplated or taken then the Clerk should seek advice of CALC.

Investigating to Complaint:

- The object of an investigation is to establish the facts and to determine the action to be taken. The investigating officer will obtain written statements from those involved and any other relevant individuals. Documentary and other evidence may also be collected. All of the evidence will be assessed and the investigating officer will compile a confidential report of all the circumstances and his or her findings as to the facts and conclusions as to whether the complaint is well founded. Investigations into formal complaints of harassment or bullying will be conducted in accordance with the principles laid down by the Employee's Disciplinary Code.

- The investigating officer will keep the complainant informed of the progress of the investigation at regular intervals. However, no confidential information as to the matters under investigation will be provided during the investigation. If a complainant is dissatisfied with the progress of the investigation this should be raised with the investigating officer in the first instance. If the complainant remains dissatisfied, he or she should raise the matter with a more senior person under the Council's Procedure for Settling Employee Grievances.
- In some cases, the investigating officer having investigated the complaint, will come to the view that no further formal action is required. The investigating officer will inform the complainant in writing of his/her findings and conclusions. This letter will state that should the complainant be dissatisfied with the outcome of the investigation; the matter be raised further at Stage 2 of the Council's Procedure for Settling Employee Grievances and that the complainant will have 10-working days from the date of that letter to raise the matter further.
- In some cases, however, the investigating officer will come to the view that there is a prima facie case for the alleged perpetrator to answer under the Council's Employees' Disciplinary Code. In these circumstances the investigating officer will present his or her report at a disciplinary hearing. The complainant will be expected, unless there are exceptional circumstances, to attend the hearing and give evidence regarding the alleged harassment or bullying. A decision will be made at the hearing as to whether or not the complaint is well founded. Complainants are not entitled to the details of any employment decision taken in relation to the alleged perpetrator. However, the complainant will receive a written confirmation on a strictly confidential basis of the offence which was found and the level of offence (for example, minor, serious or major offence).

Should the complainant be dissatisfied at the outcome of any disciplinary hearing into the alleged harassment or bullying then this must be raised in writing under the Council's Procedure for Settling Employee Grievances, at Stage 2 of that Procedure.