

Harassment Procedure

1. Introduction

Trowbridge Town Council is committed to creating a safe working environment where employees, councillors and people using the Council's services do not suffer any form of harassment. The Council recognises that different groups may be more vulnerable to harassment than others.

This procedure covers harassment in the workplace, outside the workplace and when travelling to and from work. It will be made available to all employees and Councillors.

For the avoidance of doubt, any reference to harassment within this document includes:

- **Age** (including old age, youth and inexperience)
- **Disabilities** (all forms)
- **Racial** (colour, race, nationality, faith, ethnic or national origin)
- **Sexual** (including gender and sexual orientation)

2. Responsibilities

- The overall responsibility for the procedure rests with the Town Clerk who will carry out periodic reviews
- The Head of Resources is responsible for ensuring the procedure is followed correctly within the Town Council
- Line managers are responsible for explaining and promoting the procedure in their respective departments
- Individual employees have a moral and legal duty not to harass other individuals or groups
- Council members will be expected at all times to comply with the principles of this document and be bound by the provisions contained within it

3. Definitions

Harassment is any unwanted conduct of the sort which is offensive and/or frightening to the individual or groups on the receiving end, and which affects the dignity of men and women at work.

It can take many forms and be physical, verbal or non-verbal. Examples include:

- Bullying
- Displaying any writing, sign or other visible representation, which is threatening, abusive, insulting or offensive
- Practical jokes, offensive jokes and language
- Suggestive, aggressive or dismissive body language within the hearing or sight of a person likely to cause harassment, alarm or distress
- Threatening, abusive or insulting behaviour
- Threatening, abusive, insulting, or embarrassing comments or innuendo
- Unnecessary touching or invading personal space

There is a big difference between good-natured fun and harassment - it is dependant on how the other person feels.

The types of conduct which are clearly unacceptable are those which:

- Are unwelcome, unsolicited or unreciprocated
- Create an intimidating, humiliating, hostile or offensive working environment
- Have threatening implications on working relationships or career prospects
- Undermine job security and / or interfere with job performance
- Trivialise people as a group and emphasise their sexuality, race or disability over their role as workers or individuals

The effects on those who suffer harassment can range from irritation and embarrassment to emotional and physical pain, stress, illness and even breakdown. In severe cases resignation may seem the only solution to those who are harassed, particularly those who are isolated or unsupported.

This procedure does not replace or detract from the rights of individuals under criminal law or statutory legislation.

4. Complaints of Harassment

Harassment is not tolerated. If Managers are aware, or made aware of harassment taking place they will intervene at the earliest opportunity. Each incident must be judged on the circumstances, but behaviour which is unwelcome and which affects the working environment will be considered by the Council as harassment.

Individuals may be unwilling to make complaints of harassment. They may doubt their reactions or be embarrassed to report incidents of an intimate nature. They may fear ridicule, humiliation or disbelief. Complaining may involve accusations against someone in authority. Feelings of guilt, self-doubt and inadequacy may hamper a confident response to harassment.

Any complaints of harassment will be taken seriously and dealt with quickly, sensitively, fairly and confidentially. The Council will ensure that employees do not suffer victimisation or further harassment if they lodge a complaint.

During any investigation of an allegation care will be taken to protect the interest of both complainant and alleged harasser, and to ascertain the true nature of the problem. Both parties concerned should be advised of the progress of the investigation.

It is the employees' responsibility to be aware of the serious and genuine problems which harassment can cause, making sure that their conduct does not contribute in any way to incidents of harassment, and by providing support to any colleague who is being harassed by encouraging them to follow the appropriate procedure. They should be prepared to challenge their colleagues' behaviour and not excuse it. If they have any doubt about how appropriate the behaviour is, they should ask themselves: *"would you want any member of your family to have to see, hear or experience such conduct?"*

5. Complaints procedure for employees

The Council regards harassment as unacceptable and, where proven, it will be dealt with under the Council's Disciplinary Procedure. Counselling for the harasser may be considered appropriate in some instances. Both the complainant and the respondent have a right to representation at any stage of the complaints procedure, either by a friend, colleague or union representative.

5.1 Initial stage

Whenever possible the person being harassed should initially ask their harasser to stop, or make it clear the behaviour is unwelcome. However, a person may wish to seek confidential help, support or advice from his/her friend, colleague or union representative. Both parties are advised to record a list of events detailing times, places, dates and witnesses of any harassment, as well as details of the approach to the harasser. An employee will have the opportunity if they wish to discuss matters with a person of their own gender, race or disability.

Provided that the complainant is in agreement line managers will have the option to deal with the matter informally.

5.2 Referral Stage

If the initial attempts to stop harassment fail, or if any misconduct is too serious to deal with informally, the person/persons who feel they are the victim(s) of harassment should raise the matter with any of the following:

- Line Manager
- Head of Resources
- Town Clerk
- Mayor or Committee Chair
- Union Representative

The employee will have the procedure fully explained and be given assistance in deciding whether or not this procedure is the appropriate one for pursuing the alleged complaint. If the employee wishes to make a formal complaint immediately, they should still contact one of the above persons. The ultimate decision to make a formal complaint lies with the employee who considers they have been harassed.

An employee who is "accused" of harassment may also request an investigation to take place if he/she so wishes.

5.3 Formal Complaint

If, following the referral stage, the employee decides to make a formal complaint it should be put in writing to the Head of Resources. Either of the following options can then be taken:

- A.** Ask both parties to stay away from work without loss of pay during the period of investigation. This could be the means for relieving stress and pressure on both parties and possibly prevent the risk of victimisation or intimidation. However, if both parties are willing to continue at the place of work they should be allowed to do so.
- B.** If appropriate and practical both parties may be temporarily relocated during the investigation with full protection of salary.

5.4 The Investigation

The Head of Resources will provide a copy of the written complaint to the Town Clerk within two working days. A copy of the complaint will also be given to the person against whom the allegation has been made and should inform them of their right to seek representation.

In the event of a complaint being made against a Councillor the matter should be referred to the Mayor. However, if the Mayor is the subject of the complaint it should be referred to the Deputy Mayor.

The Town Clerk will instigate an investigation into the complaint within two working days.

The investigating panel will comprise the Town Clerk and the Head of Resources. In the case of a complaint against the Town Clerk or Councillor, the Head of Resources and the Mayor will investigate. If the complaint is against the Head of Resources, the Town Clerk and the Mayor will investigate. If the complaint is against the Mayor, the Town Clerk and the Deputy Mayor will investigate.

In cases of sexual harassment, the panel should be composed equally of each gender. Where a case involves an employee who is of an ethnic minority or is lesbian, gay or disabled then at least one panel member should be from the individual's peer group. If this is not possible the use of independent panel members should be considered.

Training should be provided to all those employees involved with the harassment procedures and those responsible for investigatory hearings should be specially trained or advised by personnel with the necessary expertise.

Any investigation should take no longer than ten working days and should involve interviewing all parties concerned, including any witnesses, separately. The parties involved may be represented and full records of the interview should be kept by the investigating officers.

The investigation and all events surrounding it **MUST** be kept confidential.

Following the investigation, a report will be written within three working days and will recommend one of the following courses of action:

- 1) Not to uphold the complaint, with reasons given for the decision **OR**
- 2) To uphold the complaint and arrange counselling for the harasser if appropriate **OR**
- 3) To recommend a formal disciplinary investigation to take place

The report will be referred to the line manager of the person against whom the complaint has been made. A copy of the report will also go to the complainant and the person against whom the complaint has been made.

If the complainant is unhappy with the action taken at any stage, he/she will be able to use the Council's Grievance Procedure.

If the report recommends a disciplinary investigation, then this is binding on the Town Clerk. The disciplinary investigation will be carried out in line with the Council's Disciplinary Procedure. The investigating officers could be called as witnesses in the disciplinary investigation.

6. Complaints procedure for employees if harassed by a member of the public.

If an employee is harassed by a member of the public and is unable to deal with the situation, they should withdraw themselves (without loss of pay) from contact with that member of the public.

The employee should inform his/her manager and seek the advice of the persons listed in the Referral Stage (5.2), who will be able to offer guidance on how to deal with such a situation.

The Town Clerk will take effective steps to safeguard the employee's personal safety. He/she will also ensure that:

- 1) Clients harassing employees receive prompt written advice making it clear that this behaviour is unacceptable **AND**
- 2) Clients objecting to being dealt with by an employee on racially/sexually prejudiced grounds receive prompt written advice firmly rejecting their attempt to influence the choice of officer

If the employee feels that the Town Clerk is not taking the appropriate steps or taking the complaint seriously, then they can follow the Council's Grievance Procedure.

If an employee is subject to harassment of the nature which may involve criminal charges then the additional involvement of the Police is possible, unless specifically rejected by the victim.

7. Complaints procedure for members of the public if harassed by an employee.

The Council will take action, through the Disciplinary Procedure, against any of its employees if they are found to have been harassing a member of the public

Where a complaint is received from a member of the public about harassment, it will be recorded and referred to the relevant line manager and Head of Resources immediately. In the absence of the line manager complaints will be referred to the Town Clerk. The Head of Resources will then instigate the investigation procedure.

Once this investigation has been completed the member of the public who has complained will receive a letter from the Town Clerk detailing what action will be taken by the Council.

Lance Allan – Town Clerk & Proper Officer

Signed

Dated

*Approved at the meeting of the Annual Council meeting on 18th May 2021.
Date of next review: May 2025 unless legislation or the size and nature of the Council changes.*