



Okehampton Town Council

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Bullying and Harassment Policy and Procedure (including sexual harassment)

1. Policy Statement

Employees are Okehampton Town Council's most valuable and important resource, and the organisation has a legal, moral, and ethical duty to ensure that the environment in which they work enables them to contribute to their fullest potential and that they feel confident and comfortable about that working environment.

As well as considering the welfare of its employees, there is a strong business case for ensuring the elimination and prevention of harassment and bullying such as the financial impact (e.g. cost of reduced performance), health and safety (e.g. physical and emotional effects on employees), and recruitment and retention (e.g. people will not wish to join us or to remain with us). The organisation is also legally obliged to take reasonable steps to prevent sexual harassment of their employees in the course of their employment.

Okehampton Town Council believes that all its employees have the right to be treated with dignity and respect, and that victimisation and all forms of harassment is totally unacceptable and unlawful. We therefore adopt a zero-tolerance approach to instances of bullying or all forms of harassment. This applies to everyone in the organisation, regardless of role or status. You should take the time to ensure you understand what types of behaviour are unacceptable under this policy.

The Council will deal effectively with any form of harassment or bullying and take any steps it sees fit to either stop or prevent it. This may include taking disciplinary action, up to and including dismissal.

2. Scope of the Policy

This policy should be read in conjunction with other policies and procedures of the organisation, such as the Equal Opportunities Policy, Disciplinary Procedure and Grievance Procedure.

The policy covers harassment and bullying by Officers and Members of the Council. It does not cover harassment and bullying from the public or contractors, except for sexual harassment. However, the organisation has a duty of care towards its employees. Therefore, in all cases of bullying or harassment, employees should report any such behaviour to their line manager, who will decide upon the appropriate action.

3. Aims of the Policy

The information given below shows how harassment and bullying can affect both individuals and the organisation and demonstrates the need for a policy.

The aims of having a bullying and harassment policy are as follows:

- To ensure that all the organisation's employees are treated with dignity and respect.
 - To ensure that harassment and bullying, including sexual harassment, is prevented and, if it does occur, that action is taken to stop it.
- To ensure that the working environment is such that each employee feels confident and comfortable about the way they will be treated whilst at work.
- To ensure that all the organisation's employees know what harassment and bullying are and what the organisation's policy is.
- To explain the responsibilities of Members, management, and employees. ● To explain the procedures for dealing with harassment and bullying.

4. Harassment

4.1 Who is protected from harassment?

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- age ● disability ● gender reassignment ● race (including ethnic origin, skin colour, nationality and national origin) ● religion or belief
- sex
- sexual orientation.

Pregnancy, maternity, marriage and civil partnership are not specifically protected under the legal provisions on harassment. However, the organisation also considers harassment on these grounds to be unacceptable. Any such harassment will be dealt with in the same way as for the characteristics above.

4.2 Definition of harassment

Harassment is defined by ACAS as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of:

- violating an individual's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

It is also unacceptable to harass any individual:

- Based on their association with another individual with a protected characteristic (e.g. an employee married to someone of a different ethnic origin); or
- Based on a perception that they have a protected characteristic (e.g. a heterosexual employee who is made fun of because their colleagues believe they are homosexual).

4.3 Examples of harassment

Harassment can, for example, take place: ●
in a work situation.

- during any situation related to work, such as at a social event with colleagues.
- against a colleague or other person connected to the employer outside of a work situation, including on social media.
- against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.

Harassment can also occur in many forms. Examples include:

Sexual orientation harassment:

- Homophobic remarks, innuendos, jokes.
- Offensive actions. ● Physical attack.

Racial harassment:

- Embarrassing or derogatory remarks such as racist jokes, name-calling or nicknames.
- Deliberate isolation or different treatment.

Harassment on the grounds of disability:

- Name calling.
- Uninvited, patronising or unnecessary assistance.

Harassment on the grounds of religion or belief:

- Ridicule and religious jokes. ● Scorning of belief.

Age harassment:

- Negative comments generalising about the age group of the individual.
- Exclusion from informal groups such as social events due to the individual's age.

4.4 Sexual Harassment

Harassment may be sexual in nature. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Examples of sexual harassment include:

- asking questions about someone's sex life or discussing their own sex life. ● making sexual remarks about someone's body, clothing or appearance ● telling sexually offensive jokes.
- making sexual comments or jokes about someone's sexual orientation or gender reassignment.
- overt staring, leering, whistling or making sexually suggestive gestures. ● displaying or sharing pornographic or sexual images, or other sexual content. ● making propositions and sexual advances. ● making promises in return for sexual favours.
- unwelcome touching or touching someone against their will, for example hugging, kissing or massaging.
- sexual assault or rape.

Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted.

5 Bullying

ACAS states that bullying can be characterised as 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'.

It must be clearly understood that it is a manager's responsibility to set targets and review work performance; this is not bullying. It is also the manager's role to ensure that corrective processes are put in place when individuals do not reach targets. These discussions are sometimes difficult for both parties but need to take place to ensure employees work competently. In this context bullying will only occur when a manager abuses their authority.

It should be noted that bullying does not only occur in manager/subordinate relationships. It can occur when there is unacceptable peer pressure or pressure by others in a position of 'authority', e.g. elected Members.

Examples of bullying behaviour can include:

- Spreading malicious rumours.
- Making the employee the butt of jokes.
- Aggressive, insulting and unco-operative attitude.
- Destructive innuendo and sarcasm.
- Constant unjustified criticism.
- Unjustifiably removing responsibilities and replacing them with trivial tasks to do instead.
- Shouting at employees.
- Unreasonable refusal of requests (e.g. leave or training).
- Deliberately ignoring or excluding individuals from activities.
- Imposing unreasonable workloads and/or unjustifiably reducing deadlines.
- Constantly undermining an employee in terms of their professional or personal standing.
- Undervaluing an employee's efforts.
- Seeking to make an employee appear incompetent, or intentionally creating an unacceptable working environment, with the object of either achieving a dismissal or of making them resign.

Okehampton Town Council recognises the fact that employees may initially submit to a particular instance of harassment or bullying, but this does not mean that they find the behaviour acceptable. For example, an employee who is the butt of jokes may not wish to object initially, but this should not prevent them from addressing the issue once they feel able to do so.

6 Victimisation

Any employee who makes a complaint or supports another employee who has done so must not be subjected to any victimisation or less favourable treatment as a result. Okehampton Town Council will not tolerate any such behaviour and will take appropriate action to stop/prevent this, which may include disciplinary action.

7 Responsibilities of Managers, Town Clerk, Employees, Members and Third Parties

7.1 Managers

Managers will have the following responsibilities:

- Compliance with this policy.
- Creating/ensuring that there is a supportive working environment.
- Ensuring employees comply with this policy.
- Making sure that their employees know the details of this policy and the consequences of breaching this policy.
- Making sure that their employees know how to report bullying and harassment, including sexual harassment.
- Making sure that their employees know what standards of behaviour are expected of them.
- Taking allegations of harassment and/or bullying seriously and dealing with them as quickly as possible.
- Ensuring that victims of harassment and/or bullying receive appropriate support which might include counselling. (Note: consideration should be given as to whether the harasser/bully should also be given access to counselling, as the employee who has been accused of bullying/harassment can find this a stressful situation).
- Dealing with complaints under the Bullying and Harassment Complaints Procedure (see below).
- Ensuring that matters are dealt with confidentially and impartially.
- Ensuring that their employees attend any training requirement; and ● Liaising with the Town Clerk on how to deal with cases that arise.

7.2 Town Clerk

In addition to the above, the Town Clerk will have the following additional responsibilities: ● commitment to analysing data around allegations of bullying or harassment; reviewing this policy at regular intervals; monitoring its effectiveness; and implementing any changes that may be required.

- monitoring workplace culture to identify and address any issues in relation to bullying and/or harassment.
- undertaking regular risk assessments to determine reasonable measures that can be implemented to minimise the risk of exposure to sexual harassment in the workplace and by third parties with whom you may have contact.
- ensuring that the organisation's zero approach to all forms of discrimination, and bullying and harassment, is communicated to all workers and to third parties with whom you may have contact.
- reviewing this policy regularly and, if necessary, amending to ensure that it remains

7.3 Employees

Employees will have the following responsibilities: ●

Compliance with this policy.

- Treating their colleagues with dignity and respect.
- Having an awareness of their own standards of behaviour.
- Making it clear that they find harassment and bullying unacceptable.
- Reporting harassment and supporting management with the investigation of complaints.
- Intervening to stop harassment and/or bullying and give support to victims.

7.4 Members

Members will have the following responsibilities:

- Compliance with this policy.
- Treating employees with dignity and respect.

7.5 Third Parties

Third parties will have the following responsibilities:

- Compliance with this policy.
- Treating employees with dignity and respect.

Bullying and Harassment Complaints Procedure

1. Introduction

No employee need put up with bullying or harassment. Okehampton Town Council recognises that making a complaint may be a distressing experience. However, all complaints will be taken seriously and dealt with in a sympathetic and sensitive manner.

If you feel that you are being bullied/harassed, the decision about how to pursue this will, in the first instance, rest solely with you. You have the right to redress through either the informal or formal procedure.

Only if the matter is brought to the attention of the alleged harasser/bully or your manager can action be taken to stop the behaviour.

In the interests of natural justice, a complaint should be made as close as possible to the date when the incident occurred. In a situation where, in your view, an accumulation of incidents merit a bullying/harassment complaint, this should be done as close as possible to the date when the 'final straw' incident took place.

Some acts of harassment may also amount to a criminal offence, in this situation we will speak to you about whether you wish for the matter to be reported to the police and support you to do so.

2. Stage One

If it is possible and appropriate to do so, you should ask the person who you feel is harassing or bullying you to stop such behaviour, making it clear that you find it offensive, and it is unwelcome. This can be done face-to-face or in writing.

If you feel that you cannot approach the alleged harasser/bully alone then you may wish to ask a work colleague or trade union representative to accompany you.

It is possible that some people may not have realised that their behaviour was offensive and alerting them to it will alter their behaviour.

3. Stage Two

If you feel unable to use the approach set out in Stage 1, or you feel that this is not appropriate, or if Stage 1 action fails to resolve your complaint, then you can raise this formally if you wish.

In this case you will need to put your complaint in writing to the Town Clerk (or in the case of the Town Clerk to the Mayor or Chairman of the Personnel Committee giving details of the specific actions/incidents about which you are complaining.

Once you have done this the matter will be investigated under the organisation's Grievance Procedure.

4. Support and Advice for Employees Affected by Bullying and Harassment, Including Sexual Harassment

If you would like further information about support and advice services available to you as the complainant or alleged harasser, you can contact the Town Clerk.

You can also access external support and advice such as:

- the Equality Advisory and Support Service (EASS).
- ACAS www.acas.org.uk/discrimination-and-bullying - For information and advice on all aspects of workplace relations and employment law.
- Rights of Women - [Sexual harassment at work advice | Rights of Women](#).
- Protect (the whistleblowing charity).
- helplines which have been set up to deal with specific forms of harassment (such as the helplines provided to deal with sexual harassment and Rights of Women in England and Wales).
- the EHRC (Equality and Human Rights Commission) have produced technical guidance in this area: Sexual Harassment and harassment at work: technical guidance 2024: <https://www.equalityhumanrights.com/guidance/sexual-harassment-and-harassment-work-technical-guidance> - responding-to-harassment.
- [Sexual harassment and harassment at work: technical guidance | EHRC](#).

Sexual Harassment Risk Assessment

HAZARDS & Risk	Who is at Risk	CONTROL	Future Control	Likelihood	Impact	By Whom
<p>Inappropriate Comments or Jokes Risk of inappropriate comments or jokes made by elected officials, employees, or public attendees that could be perceived as harassment.</p>	Employees, Councillors, contractors, volunteers, public attendees	<p>Anti-harassment policy applied to all parties. Code of conduct includes respectful behaviour standards. Council have agreed Civility & Respect statement. Complaint and reporting procedure in place.</p>	<p>Appropriate training for all employees and Councillors will be made available including on maintaining personal boundaries Reports can be made verbally and will be kept confidential where possible.</p>	Medium	High	Town Clerk/ Chair of Personnel
<p>Unwanted Physical Contact Risk of unwanted physical contact by councillors, employees, or members of the public during meetings or events.</p>		<p>Code of conduct prohibits unwelcome physical contact. Complaint system accessible to all parties.</p>	<p>Monitor and document incidents as reported.</p>	Low	High	Town Clerk/ Chair of Personnel
<p>Misuse of Power Dynamics Risk of elected officials or employees using positions of authority to exert undue influence or engage in inappropriate behaviour.</p>		<p>Clear hierarchy and defined reporting structures. Training to cover power dynamics and boundaries. Complaint and reporting procedure in place.</p>	<p>Conduct regular reviews of power dynamics and conduct. Require periodic feedback surveys to gauge perceived fairness and safety.</p>	Medium	High	Town Clerk/ Chair of Personnel

<p>Inappropriate Digital Communication Risk of harassing or inappropriate messages sent via council-owned email, social media, or digital channels by or to employees, councillors, or members of the public.</p>		<p>Established guidelines for digital communication. Social Media Policy published on the website</p>	<p>Review and update digital conduct policies regularly. Provide regular training on use of Social Media.</p>	<p>Medium</p>	<p>Medium</p>	<p>Town Clerk/ Chair of Personnel</p>
<p>Retaliation or Intimidation Post Complaint Risk of retaliation against individuals (employees, Councillors, or public) following a harassment complaint.</p>		<p>Retaliation is strictly prohibited and will result in disciplinary action.</p>	<p>Engage local law enforcement if repeated intimidation occurs.</p>	<p>Low</p>	<p>High</p>	<p>Town Clerk/ Chair of Personnel</p>
<p>Failure to Address Complaints Properly Risk of mishandling complaints involving Councillors, employees, or the public, potentially leading to legal or reputational consequences.</p>		<p>See Complaints Procedure & Disciplinary Procedure Complaint handling processes regularly reviewed and updated in line with current legislation and best practice.</p>	<p>Periodic training on updated complaint procedures.</p>	<p>Low</p>	<p>High</p>	<p>Town Clerk/ Chair of Personnel</p>
<p>Inadequate Knowledge of Sexual Harassment Policies Risk that Councillors, employees, or public attendees do not fully understand what constitutes sexual harassment.</p>		<p>-Anti-Sexual Harassment, Code of Conduct, Dignity at Work, Whistleblowing, Equality & Diversity policies disseminated to all. Training available for employees and Members.</p>	<p>Regular refresher training for all, including specific guidance on dealing with the public.</p>	<p>Medium</p>	<p>Medium</p>	<p>Town Clerk/ Chair of Personnel</p>
<p>Public Misconduct Towards Elected officials and Staff Risk of harassment by members of the public towards Councillors or employees during public events or meetings.</p>		<p>Clear behavioural expectations for public attendees. Complaint system open to elected officials, staff, and public attendees.</p>	<p>Protocol on Public Participation in meetings published to be reviewed and published</p>	<p>Medium</p>	<p>High</p>	<p>Town Clerk/ Chair of Personnel</p>