

# FARINGDON TOWN COUNCIL

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## Harassment and Bullying Policy

We are committed to providing a working environment free from harassment and bullying, which includes sexual harassment, and ensuring all staff are treated, and treat others, with dignity and respect. This includes harassment or bullying which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions or on social media.

It covers harassment and bullying by staff (which may include consultants, contractors and agency workers) and also by third parties such as clients, customers, suppliers or visitors to our premises.

We have carried out an assessment to assess the risk of different forms of harassment, including sexual harassment and third-party harassment, occurring in our workforce, including in different roles and departments, the steps we could take to reduce those risks and which of those possible steps are reasonable. This risk assessment will be reviewed regularly.

### What is harassment?

Harassment is any unwanted physical, verbal or non-verbal **conduct** that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

Unlawful harassment may involve **conduct**:

- **related to a protected characteristic** of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation;
- of a sexual nature (**sexual harassment**); or
- of **treating someone less favourably because they have submitted, or refused to submit to, sexual harassment or harassment related to sex or gender reassignment** e.g. where a manager gives a junior employee a poor performance review because they rejected the manager's sexual advances.

Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include (this is a non-exhaustive list), for example:

- a) racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group, religion or belief, or gender;
- b) disclosing or threatening to disclose someone's sexual orientation or gender identity against their wishes;
- c) offensive e-mails, text messages or social media content; or
- d) mocking, mimicking or belittling a person's disability.

Sexual harassment does not need to be sexually motivated; it only needs to be sexual in nature and may include (this is a non-exhaustive list), for example:

- a) unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- b) continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;
- c) sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
- d) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- e) intrusive questions about a person's private or sex life or a person discussing their own sex life; or
- f) sending sexually explicit e-mails or text messages or sexual posts/contact on social media.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment; or sexually harassed by pornographic images displayed on a colleague's computer in the workplace.

### **What is victimisation?**

Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:

- a) Bringing proceedings under the Equality Act 2010.
- b) Giving evidence or information in connection with proceedings under the Equality Act 2010.
- c) Doing any other thing for the purposes of or in connection with the Equality Act 2010.
- d) Alleging that a person has contravened the Equality Act 2010.

Victimisation may include (this is a non-exhaustive list), for example:

- a) Denying someone an opportunity because it is suspected that they intend to make a complaint about harassment/sexual harassment.
- b) Excluding someone because they have raised a grievance about harassment/sexual harassment.
- c) Failing to promote someone because they accompanied another staff member to a grievance meeting.
- d) Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.

**Harassment/sexual harassment and victimisation are unlawful and will not be tolerated.** They may lead to disciplinary action up to and including dismissal without notice if they are committed:

- a) In a work situation.
- b) During any situation related to work, such as at a social event with colleagues.
- c) Against a colleague or other person connected to us outside of a work situation, including on social media.
- d) Against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.

We will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.

If any harassment/sexual harassment or victimisation of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. Action may include updating relevant policies, providing further staff training and taking disciplinary action against the perpetrator.

### **What is third-party harassment?**

Third-party harassment occurs where a person is harassed/sexually harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, derogatory comments about a person's age, disability, pregnancy, colour, religion or belief, sex or sexual orientation, or unwelcome sexual advances, from a client, customer or supplier visiting the employer's premises, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment.

Third-party harassment can result in legal liability and will not be tolerated. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy. Any harassment by a member of staff against a third-party may lead to disciplinary action up to and including dismissal.

We will take active steps to try to prevent third-party harassment of staff. Action may include: warning notices to customers or recorded messages at the beginning of telephone calls; information in terms and conditions; providing regular training for managers and staff to raise awareness of rights related to sexual harassment and of this policy; provide specific training for managers to support them in dealing with complaints; take steps to minimise occasions where staff work alone; where possible ensure that lone workers have additional support; carry out a risk assessment when planning events attended by clients/customers and/or suppliers. If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. Action may include warning the harasser about their behaviour, banning them from our premises, reporting any criminal acts to the police, and sharing information with other branches of the business.

### **What is bullying?**

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include (this is a non-exhaustive list), for example:

- a) physical or psychological threats;
- b) overbearing and intimidating levels of supervision;
- c) inappropriate derogatory remarks about someone's performance.

However, legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

### **If you are being harassed/sexually harassed/victimised/bullied**

If you are being harassed/sexually harassed/victimised/bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your line manager (or another manager where it concerns them) who can provide confidential advice and assistance in resolving the issue informally or formally. If informal steps are not appropriate, or have not been successful, you should raise the matter formally under our **Grievance Procedure** and it will be dealt with under that procedure, taking into account the below.

We will investigate complaints in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. We will consider whether any steps are necessary to manage any ongoing relationship between you and the person accused during the investigation.

Once the investigation is complete, we will inform you of our decision. If we consider that there is a case to answer and the harasser or bully is an employee, the matter will be dealt with under the Disciplinary Procedure as a case of possible misconduct or gross misconduct. The outcome of our investigation may be put on hold while disciplinary action is taken. If the harasser or bully is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem. Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned.

### **Protection and support for those involved**

Date last reviewed: 13 January 2025

Staff who make complaints, report that they have witnessed wrongdoing, or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

We will review this policy regularly and monitor its effectiveness. This will include monitoring the treatment and outcomes of any complaints of harassment, sexual harassment or victimisation we receive to ensure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, cultural clashes are identified and resolved and workforce training is targeted where needed.

Support and guidance can also be obtained from the following external services:

- a) The Equality Advisory and Support Service ([www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)).
- b) Protect ([www.protect-advice.org.uk](http://www.protect-advice.org.uk)).
- c) Victim support ([www.victimsupport.org.uk](http://www.victimsupport.org.uk)).
- d) Rights of Women (England and Wales) ([www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk))
- e) Equality & Human Rights Commission ([www.equalityhumanrights.com/guidance/sexual-harassment-and-harassment-work-technical-guidance#chapter-4-taking-steps-to-prevent-and-respond-to-harassment](http://www.equalityhumanrights.com/guidance/sexual-harassment-and-harassment-work-technical-guidance#chapter-4-taking-steps-to-prevent-and-respond-to-harassment)).

### **Record-keeping**

Information about a complaint by or about a staff member may be placed on their personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.