

Bethersden Parish Council

Parish Clerk: Mr Colin Tearle Sunny Lawns Densole Lane Densole CT18 7BL
email: parish.clerk@bethersden-pc.gov.uk *tel:* 01303 892621

BETHERSDEN PARISH COUNCIL

Personal Harassment Policy and Procedures

1. Introduction

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.

Personal harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse. Whatever form it takes, personal harassment is always taken seriously and is totally unacceptable.

We recognise that personal harassment can exist in the workplace, as well as outside, and that this can seriously affect employees' and councillors' working lives by interfering with their job performance or by creating a stressful, intimidating and unpleasant working environment.

2. Policy

Bethersden Parish Council deplores all forms of personal harassment and seeks to ensure that the working environment is sympathetic to all employees and councillors.

We have published these procedures to inform employees and councillors of the type of behaviour that is unacceptable and provide employees or councillors who are the victims of personal harassment with a means of redress.

We recognise that we have a duty to implement this policy and all employees and councillors are expected to comply with it.

Examples of Personal Harassment

Personal harassment takes many forms and councillors and employees may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by a councillor or employee towards another councillor or employee; and examples of harassment include:

- insensitive jokes and pranks;
- lewd or abusive comments about appearance;
- deliberate exclusion from conversations;

- displaying abusive or offensive writing or material;
- unwelcome touching; and
- abusive, threatening or insulting words or behaviour.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment. A proven complaint against a councillor will be reported to the Monitoring Officer or to the police.

3. Complaining about Personal Harassment

a. Informal complaint

We 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 an employee or Councillor to raise the issue through the normal Grievance Procedure. In these circumstances they are encouraged to raise such issues with a colleague or councillor of their choice (whether or not that person has a direct supervisory responsibility for them) as a confidential helper. This person cannot be the Chairman of the Parish Council who will be responsible for investigating the matter if it becomes a formal complaint.

If the complaint is against the Chairman, then advice should be sought from the Kent Association of Local Councils as to who should be responsible for investigating the matter.

If a councillor or employee 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 they feel unable to do this in person then they should hand a written request to the harasser.

b. Formal complaint

Where the informal approach fails or if the harassment is more serious, the councillor or employee should bring the matter to the attention of the Chairman of the Parish Council as a formal written complaint. If possible, they should keep notes of the harassment so that the written complaint can include:

- the name of the alleged harasser;
- the nature of the alleged harassment;
- the dates and times when the alleged harassment occurred;
- the names of any witnesses; and
- any action already taken by councillor or the employee to try to stop the alleged harassment.

If the complaint is against the Chairman, then advice should be sought from the Kent Association of Local Councils as to who should be responsible for investigating the matter.

On receipt of a formal complaint we will take action to separate the employee or councillor from the alleged harasser to enable an uninterrupted investigation to take place. 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. In the case of a councillor, he/she will be asked not to attend meetings until the

complaint has been fully investigated.

The person dealing with the complaint will invite the employee or councillor to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. They have the right to be accompanied at such a meeting by another colleague of their choice 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 a disciplinary matter.

On conclusion of the investigation which will normally be within ten working days of the meeting with them, a draft report of the findings and of the investigator's proposed decision will be sent, in writing, to the employee or councillor and to the alleged harasser.

If they or the alleged harasser is dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within five working days of receiving the draft report. Any points of concern will be considered by the investigator before a final report is sent, in writing, to the employee or councillor and to the alleged harasser. They have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the Grievance Procedure.

General Notes

If the report concludes that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary procedure (employee) or the matter reposted to the Monitoring Officer (councillor).

An employee who receives a formal warning or who is dismissed for harassment may appeal by using our capability/disciplinary appeal procedure.

If an employee brings a complaint of harassment they will not be victimised for having brought the complaint. However, if the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against them (employee) or a report sent to the Monitoring Officer (councillor).

We reserve the right to allow third parties to chair any formal meeting in respect of a harassment allegation.

April 2018