19th November 2024

**MEMBERS OF THE HUMAN RESOURCES COMMITTEE**

Dear Sir/Madam,

You are summoned to a meeting of the Human Resources Committee to be held in Perton Civic Centre on Wednesday 27th November 2024 at7.00pm.

Yours faithfully

B Hodgetts

**Becky Hodgetts**

**Clerk to the Parish Council**

*All persons attending this meeting are hereby notified that this meeting will be recorded by the Parish Council to assist the Parish Clerk in the compilation of minutes. The recording will be deleted once the minutes have been approved.*

# AGENDA

## **HR01/24 To receive apologies for absence**

## **HR02/24 Declaration of Disclosable Pecuniary and other Interests and dispensation requests**

## **HR03/24 To approve the minutes from HR Committee meeting held on 29th March 2023**

## **HR04/24** **To review the following policies:**

1. Employee Code of conduct
2. Disciplinary
3. Grievance
4. Equality & Diversity
5. Employee Handbook

**HR05/24 To review and adopt the following policies**

1. Dignity at Work – replaces the Bullying and Harassment policy
2. Sexual Harassment

**CONFIDENTIAL AGENDA**

**PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960**

## In pursuance of the powers contained in section 1 of the above act, I move that the press and public be excluded from the meeting on the grounds that the business about to be transacted is of a confidential nature and that publicity will be prejudicial to the public interest.

**HR06/24 To review and update the following contracts and job descriptions:**

1. Parish Clerk –
2. update responsibilities
3. updated contract
4. Assistant Parish Clerk –
5. update responsibilities
6. update contracted hours

## **HR07/24 Pay scales**

To review pay scales for Civic Centre staff members

**HR08/24 To agree date and time of next meeting – 19th March 2025**

# Minutes of the meeting of Perton Parish Council Human Resources Committee

# held on Wednesday 29th March 2023, 7.00pm

## **Present:**

Councillors Mrs L Dew, K Elder, D Glynn, Mrs R Heseltine Mrs B Walters (Chairman),

Parish Clerk Mrs B Hodgetts

## **HR09/22 - APOLOGIES FOR ABSENCE**

Apologies received and accepted from Councillors Mrs PA Allen and AA Bourke

## **HR10/22 - DECLARATION OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS**

No declarations of disclosable pecuniary and other interests received.

## **HR11/22 –MINUTES**

**Resolved** that the minutes of the HR Committee meeting held on 25th May 2022, previously distributed, were a true and correct record and signed by the Chairman.

## **HR12/22 – RELIEF CARETAKER POSITION**

## Discussion on employing a relief caretaker was held and amendments to the job descriptions for the Civic Centre relief caretaker were reviewed. . It was resolved to proposed 10 hours per month on a 12 month contract to full council.

## **HR13/22 – DATE AND TIME OF NEXT MEETING**

## To be advised

**CONFIDENTIAL AGENDA**

**PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960**

In pursuance of the powers contained in section 1 of the above act, I move that the press and public be excluded from the meeting on the grounds that the business about to be transacted is of a confidential nature and that publicity will be prejudicial to the public interest.

## **HR14/22 – STAFFING MATTERS**

An update was given by the Clerk.

**Meeting closed at 8.15pm**

Signed ………………………………………………………………… Date: …………………………………………

Chairman

# PERTON PARISH COUNCIL

# DIGNITY AT WORK POLICY

## INTRODUCTION

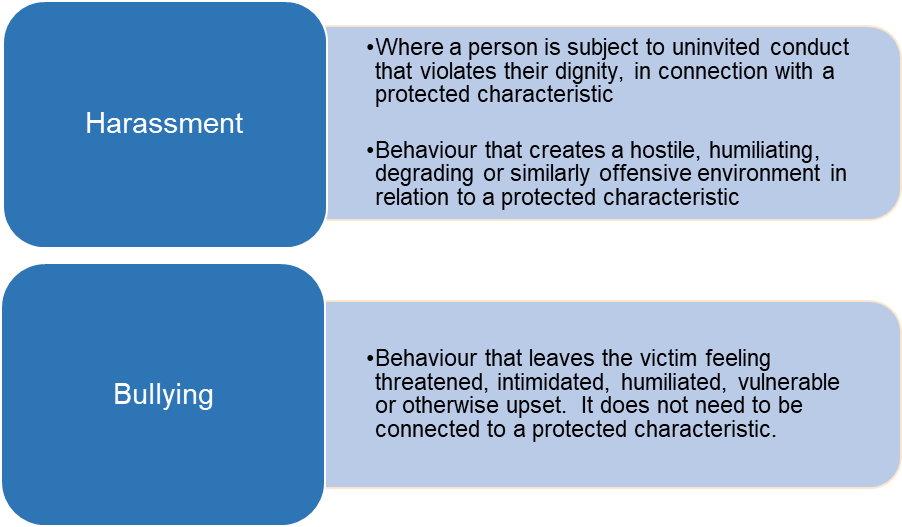
1. Perton Parish Council believes that civility and respect are important in the working environment, and expect all councillors, officers and the public to be polite and courteous when working for, and with the council.
2. Perton Parish Council is committed to creating a working environment where all council employees, councillors, contractors and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying
3. In support of this objective, Perton Parish Council has signed up to the Civility Pledge, as a commitment to civility and respect in our work, and politeness and courtesy in behaviour, speech, and in the written word. Further information about the Civility and Respect Pledge is available [NALC](https://www.nalc.gov.uk/respect#the-pledge) & [SLCC](https://www.slcc.co.uk/news-publications/civility-respect-pledge/)
4. We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed, however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.
5. This document:
6. explains how we will respond to complaints of bullying or harassment;
7. ensures that we respond sensitively and promptly; and,
8. supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

## SCOPE

1. This policy covers bullying and harassment of and by Clerks/Officers and all employees engaged to work at Perton Parish Council. Should agency staff or contractors have a complaint connected to their engagement with the Council this should be raised to their nominated line manager, or the Chairman of the Council, in the first instance. Should the complaint be about the Chairman of the Council the complaint should be raised to the Vice Chairman or Chairman of HR committee.
2. Agency staff, or contractors are equally expected to treat council colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.
3. Complaints about other employment matters will be managed under the council’s grievance policy.
4. It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, Councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

## BULLYING

1. All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. Perton Parish Council will not tolerate bullying or harassment in the workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will they tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.
2. We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, civility and respect pledge, equality opportunities policy, and all other policies and procedures set by the Council.
3. We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people’s feelings, following protocols and rules, showing appreciation and thanks, and being kind.
4. Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.
5. False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council’s disciplinary procedure.



## What Type of Treatment amounts to Bullying or Harassment?

1. ‘Bullying’ or ‘harassment’ are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person’s dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

1. Physical conduct ranging from unwelcome touching to serious assault
2. Unwelcome sexual advances
3. The offer of rewards for going along with sexual advances e.g. promotion, access to training
4. Threats for rejecting sexual advances
5. Demeaning comments about a person’s appearance
6. Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
7. Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
8. Spreading malicious rumours or insulting someone
9. Lewd or suggestive comments or gestures
10. Deliberate exclusion from conversations, work activities or social activities.
11. Withholding information a person needs in order to do their job
12. Practical jokes, initiation ceremonies or inappropriate birthday rituals
13. Physical abuse such as hitting, pushing or jostling
14. Rifling through, hiding or damaging personal property
15. Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
16. Isolation or non-cooperation at work
17. Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
18. The use of obscene gestures
19. Abusing a position of power
20. Bullying and harassment can occur through verbal and face to face interactions, but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.
21. It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear, however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.
22. Harassment can also occur where the unwanted behaviour relates to a perceived characteristic (such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due to their association with someone else (such as harassment related to their partner having a disability for example). See the council’s equality and diversity Policy.
23. All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of an employee’s behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

## VICTIMISATION

1. Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.
2. Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.
3. Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

## REPORTING CONCERNS

1. **What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)**

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the clerk/or a councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

1. **What you should do if you feel you are being bullied or harassed by a councillor**:

If you are being bullied or harassed by a councillor, please raise this with the Clerk or the Chairman of the Council in the first instance.  They will then decide how best to deal with the situation, in consultation with you.   There are two possible avenues for you, informal or formal.  The Informal Resolution is described below.  Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

The council will consider reasonable measures to protect your health and safety.  Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

1. **What you should do if you witness an incident you believe to harassment or bullying:** If you witness such behaviour you should report the incident in confidence to the clerk/ officer or a councillor.  Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.
2. **What you should do if you are being bullied or harassed by another member of staff:** If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.
3. Informal resolution
4. If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council’s policy and must stop. Alternatively, you may wish to ask the clerk/officer, your nominated manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).
5. If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you should raise the issue with the Chairman of the council. (If your concern relates to the Chairman, you should raise it with the Chairman of the personnel/staffing committee). The Chairman (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

* there has been a complaint that their behaviour is having an adverse effect on a member of the council staff
* such behaviour is contrary to our policy
* for employees, the continuation of such behaviour could amount to a serious disciplinary offence

1. It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.
2. In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The Chairman (or another appropriate person) will discuss this with you if it is appropriate.
3. If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.
4. Raising a formal complaint
5. If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council’s grievance procedure. You should raise your complaint to the clerk/chief officer or the Chairman of the council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.
6. The clerk/Officer or the Chairman of the council will appoint someone to investigate your complaint in line with the grievance policy.  You will need to co-operate with the investigation and provide the following details (if not already provided):

* The name of the alleged perpetrator(s),
* The nature of the harassment or bullying,
* The dates and times the harassment or bullying occurred,
* The names of any witnesses and
* Any action taken by you to resolve the matter informally.

1. The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.
2. Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.
3. Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.
4. The council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you.  Depending on the nature of the allegations, the Investigator may want to meet with you to understand better your compliant (see the grievance policy for further information, and details of your right to be accompanied).
5. After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure.  At the meeting you may be accompanied by a fellow worker or a trade union official.
6. Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome.  You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision.  Your appeal will be heard under the appeal process that is described in the grievance procedure.
7. **The use of the Disciplinary Procedure**

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

## Review of Policy

This policy to be reviewed at the beginning of each four year term.

Adopted: November 2024

Reviewed/Revised:

Next review: November 2028

Committee: HR

## GUIDANCE FOR USING THE DIGNITY AT WORK POLICY

1. This is an example of an employment policy designed for a council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.
2. This guidance is provided to support understanding of the policy, and its application, as well as where local adaptions may be required. The guidance is not part of the policy and should be removed from the policy adopted and shared with council employees.
3. The Dignity at Work Policy will replace a previous ‘Bullying and Harassment’ Policy, to create a policy that is focussed on encompassing behaviours beyond simply bullying and harassment, and zero tolerance with the aim of dealing with concerns before they escalate. It is important that any commitment made in the policy is applied in practice.
4. Wording has been suggested to demonstrate a council’s commitment to promoting dignity and respect where they have signed up to the NALC, SLCC and OVW Civility and Respect Pledge. Council’s that have not signed up to this are requested to consider making this pledge which is based on basic behaviours and expectations of all council representatives to create workplaces that allow people to maintain their dignity at all times. If your council has not agreed to the pledge this wording should be removed.
5. The policy is drafted with consideration of employment language and terminology that is reflective of a modern working environment, setting a tone that is engaging, collaborative and inclusive. A council may want to update references where relevant to reflect local terminology and structure, however should be considerate of equality, diversity and inclusion.
6. The examples of bullying and harassment are just that – examples. This should not be considered an exhaustive list.

**Protected Characteristics**

A ‘protected characteristic’ is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

**Discrimination includes treating people differently because of a protected characteristic**. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

1. Examples of harassment related to a protected characteristic could include;
   1. Making assumptions about someone’s ability due to their age or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
   2. Making fun or mimicking impairments related to a health condition or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a disability to participate in.
   3. Refusing to treat a person as their new gender or disclosing information about their gender identity could be harassment on the grounds of gender reassignment.
   4. Pregnancy/Maternity harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant person’s stomach.
   5. Harassment based on race could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone’s lifestyle based on their ethnicity.
   6. Gender harassment could include not considering people for a job based on gender stereotyping roles or implementing practices that disadvantage one gender over another. Rude, explicit jokes, even if not directed at an individual, or comments on individuals dress or appearance.
   7. Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on religion/belief.
   8. Excluding same sex partners from social events could be both sexual orientation and marriage/civil partnership discrimination, as could not offering the same work-related benefits.
   9. A person does not need to be employed or have 2 years qualifying service to make a discrimination claim at a tribunal.
   10. Job applicants who believe they have not been appointed because of a ‘protected characteristic’ can make a claim.
   11. New or established employees who are dismissed or treated unreasonably because of a health condition can make a discrimination claim.
   12. An employee subjected to harassment can make a discrimination claim at a tribunal.
   13. An employee asked to retire can make a discrimination claim at a tribunal

## Legal risks

1. Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.
2. A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.
3. The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

## Culture and behaviour

1. We work in eclectic communities and working environments, and a positive culture within the council enables employees with different backgrounds and beliefs to share ideas and shape how the council achieves its objectives for their community.
2. It is important to recognise that different individuals may find different behaviours bullying or harassing so while there is not always intent to offend or cause harm, that does not mean that the effect of the behaviour has not caused harm or offence.
3. It can take people a period of time to decide to raise their concerns, as they worry about consequences (perhaps from peers by complaining about a colleague who is popular, or they fear victimisation from the perpetrator or others). The council should consider whether there are opportunities (such as 121s to offer opportunity to reflect on relationships/morale) to identify issues earlier and address negative behaviours. Individuals can often mention concerns they are experiencing but not want to take it further. The council should remind the complainant that it has a zero tolerance to bullying and harassment and remind them of the policy in place to address concerns. If the allegations mentioned are significant, the council may want to suggest that it will need to investigate further, even if a ‘grievance’ is not raised, so as to ensure that any concerns and risks are managed, and the council is meeting its responsibilities and duty of care as an employer.
4. Whilst both staff and councillors jointly determine the working culture, councillors are key in demonstrating what is and isn’t acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.
5. All council representatives are expected to uphold the values of the Dignity at Work Policy; however this policy sets out how allegations from employees will be managed. As indicated in the policy, concerns from a contractor, agency worker etc. should be raised to the identified person, and an appropriate approach will be considered based on the situation and relationship of the complainant with the council.
6. Likewise, concerns raised about the behaviour of a contractor or agency worker would not generally be managed via the full process (such as the disciplinary process) but appropriate action would be considered based on the situation. To treat people (such as contractors, or a casual worker) engaged by the council the same as an employee could blur the status of the employment relationship, so consider seeking professional advice if needed.

## Managers

1. Recognising that councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the clerk/ officer, another employee of the council, or a councillor depending on the situation. It is good practice to have a clearly identified person who is the responsible ‘line manager’ or equivalent contact for an employee so that there is clarity on how the employee should report concerns to, who they notify if they are sick or to request leave etc. More often for council employees this may be the clerk/chief officer, and for the clerk/chief officer this could be the Chairman/Vice Chairman, or possibly Chairman of a staffing/personnel committee.

## Bullying and harassment & performance management

1. The policy sets out that bullying and harassment does not include appropriate criticism of an employee’s behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.
2. Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

## Responsibilities

1. All staff and representatives of the council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.
2. Leaders – councillors, clerks, officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

## During the investigation

1. Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.
2. Consider whether a neutral person should be offered as a ‘listening ear’ for both parties in the investigation. This could be a councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.
3. Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it is important to consider their wellbeing and mental health.
4. Ensure that you communicate regularly with both parties.
5. The investigation and any subsequent hearing should be completed in accordance with the grievance policy which sets out a process for dealing with concerns. You should ensure that the grievance policy adopted adheres to any local policies and procedures, with consideration of any timescales and escalation routes in your locally adopted policy.

## Confidentiality

1. It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small council it is likely that it will be clear that the accused will know where the accusation has come from. The council representative (clerk/chief officer/councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.
2. During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a council to consider an anonymous complaint, however if the concerns are significant and compromise the council in their duty of care to employees, then consideration of how the deal with the matter may be required.

## Victimisation

1. All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation.  This would include isolating someone because they have made a complaint, cancelling a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

## False allegations

1. If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure. Such an allegation would potentially be gross misconduct.

## Complaints against Councillors

1. Following the Ledbury case, the law is clear that any formal complaint about a councillor regarding a breach of the code of conduct must be referred to the Monitoring Officer for investigation (either by the complainant, or the Council with agreement of the complainant). During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council agrees reasonable measures with the employee to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person about whom the complaint has been made etc.
2. Careful consideration is required where a grievance is raised against the council as a whole due to lack of support related to councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the council, or require exploration of the councillors behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any councillors where this may relate to the code of conduct. It is a matter of fact whether the complaint is against the council and can therefore be dealt with by the council’s grievance procedure or against a councillor and can only be dealt with by the Monitoring Officer.

# PERTON PARISH COUNCIL

# SEXUAL HARASSMENT POLICY

## **INTRODUCTION**

1.1 The Equality Act 2010 protects people against sexual harassment and harassment related to ‘protected characteristics’. On October 26th 2024, the Workers Protection (Amendment of Equality Act 2010) Act 2023 came into effect, which introduced new laws on sexual harassment in the workplace.

1.2 Perton Parish Council is committed to providing a work environment free from all forms of discrimination and harassment, including sexual harassment. The council is dedicated to fostering a respectful and inclusive workplace where all employees can thrive.

1.3 This policy aims to enable employees to challenge any unwanted behaviour in the workplace and outlines the Council’s zero-tolerance approach to sexual harassment and the procedures for reporting and addressing such behaviour.

## **2. DEFINITION**

2.1 Sexual harassment is defined as any unwelcome conduct of a sexual nature, including, but not limited to:

1. unwanted sexual advances
2. insinuate, propose or demand sexual favours of any kind
3. verbal or physical conduct of a sexual nature
4. displaying sexually explicit materials
5. invade another person’s personal space (e.g inappropriate touching)
6. violated someone’s dignity, whether it was intended or not
7. created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not
8. send or display sexually explicit objects and messages
9. comment on someone’s looks, dress, sexual orientation, or gender in a derogatory or objectifying manner or a manner that makes them uncomfortable.
10. make obscene comments, joke or gestures that humiliate or offend someone

2.2 Sexual harassment can be carried out or experienced by anyone of the same gender or different gender.

2.3 **A key element of sexual harassment is that it is unwelcome.**

2.4 It is important to note that if a person does not object to inappropriate behaviour at the time; it should not be assumed that they are giving their consent. Consent exists where clear and unambiguous consent has been freely given and continues to be given.

## 3. SCOPE

3.1 Perton Parish Council will take allegations of sexual harassment seriously and will take prompt and appropriate action to address them.

3.2 This policy applies to all employees, including full-time, part-time and temporary workers and elected members of Perton Parish Council.

## **4. PROHIBITED CONDUCT**

4.1 Sexual harassment in any form is strictly prohibited. This includes, but not limited to:

1. making sexual propositions, innuendos, or suggestive comments
2. physical contact of a sexual nature without consent
3. sending sexually explicit messages or materials
4. creating a hostile or offensive work environment based on gender or sexual orientation

## **5. REPORTING PROCESS**

5.1 Any employee who believes they have experienced or witnessed sexual harassment is encouraged to report it immediately. Reports can be made to:

1. the Clerk (or Chairman in the case of the Clerk)
2. the Chair of HR Committee
3. the Chair of the Parish Council

5.2 Reports can be made verbally or in writing and will be kept confidential where possible. Retaliation against individuals who report sexual harassment is strictly prohibited and will result in disciplinary action, up to and including termination.

6.1 Upon receiving a report of sexual harassment. Perton Parish Council will promptly and impartially investigate the allegations. The investigation will be conducted by the Chair of the HR Panel, who will interview the parties involved and any witnesses. All parties will be afforded due process and confidentiality where possible.

## **7. DISCIPLINARY ACTION**

7.1 If an investigation confirms that sexual harassment has occurred, appropriate disciplinary action will be taken. This may include verbal or written warnings, suspension, or termination, depending on the severity of the offence and circumstances involved.

## **8. TRAINING AND AWARENESS**

8.1 Perton Parish Council is committed to preventing sexual harassment through education and training. All employees will receive training on this policy and their rights and responsibilities regarding sexual harassment prevention and reporting.

8.2 Training will be required annually.

## **9. COMPLIANCE**

9.1 All employees and elected members are expected to comply with this policy at all times. Failure to do so may result in disciplinary action, up to and, including termination.

## **10. REVIEW**

10.1 This policy to be reviewed annually.

Adopted: November 2024

Reviewed/Revised:

Next review: November 2025

Committee: Full Council