Preventing and addressing harassment, bullying and discrimination policy and procedure

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Part A – Policy

Part A sets out the Council's policy commitments, expected standards of behaviour, responsibilities, and preventative duties. It explains who the policy applies to, defines the behaviour covered and sets out the requirements for preventing and managing workplace risks in sections 1 to 9.

1. Our policy

1.1 Luton Council is committed to providing a safe, inclusive, and respectful working environment where everyone is treated with dignity and respect, and freedom from harassment.

1.2 The Council will not tolerate harassment, sexual harassment, bullying, discrimination, or victimisation in any form. It is committed to preventing such behaviour and to responding promptly, fairly, and proportionately where concerns are raised.

1.3 The Council recognises that unacceptable behaviour can have a significant impact on individuals, teams, and service delivery. Creating and maintaining a positive working culture is therefore a shared responsibility for everyone who works for, or on behalf of, the Council.

1.4 To support this commitment, the Council will:

- promote a culture of dignity, respect, inclusion and belonging.
- take all reasonable steps to prevent harassment, sexual harassment, bullying, discrimination, and victimisation.
- meet its legal obligations under equality and employment legislation.
- provide safe and accessible routes for raising concerns.
- take appropriate action where concerns are raised or unacceptable conduct is identified.
- support those affected and protect individuals from victimisation where they raise concerns, participate in a process or function as witnesses.
- provide appropriate information, guidance and training to employees and managers.

2. Scope and purpose

2.1 This policy applies to all Council employees and workers, regardless of contractual status, except those working in schools operating under the scheme of financial delegation. It also applies, where relevant, to agency workers, contractors, work experience placements, interns, volunteers, and elected members.

2.2 It applies in any work-related setting or situation, including:

- in the workplace
- while working remotely or from home
- during work-related travel
- at meetings, training events, conferences, and social events connected to work.
- when using work-related communication systems, including email, messaging services, and social media
- in interactions with customers, service users, suppliers, contractors, elected members, partners, and members of the public where there is a connection to work.

2.3 This policy sets out the standards of behaviour expected, how concerns can be raised, and how the Council will respond when concerns arise.

2.4 It is intended to support early reporting, appropriate intervention, and consistent decision-making, while ensuring concerns are managed sensitively, fairly and without unreasonable delay.

2.5 Where a concern is found to involve a breach of this policy, the Council may take appropriate action in line with this policy and any other relevant procedure.

3. Relationship with other Council procedures

3.1 This policy primarily addresses concerns relating to harassment, sexual harassment, bullying, discrimination, and victimisation arising from the conduct of employees, workers, volunteers, and others in work-related settings.

3.2 Where behaviour by service users, residents, customers, contractors, visitors, elected members or other third parties give rise to risks to employee health, safety or wellbeing, those risks must be managed through the Council's relevant health and safety arrangements, including the Violence and Aggression Policy and associated procedures.

3.3 Where an issue gives rise to both employment and health and safety considerations, the relevant arrangements should operate in parallel.

4. How to use this document

4.1 This document is divided into **Part A – Policy** and **Part B – Procedure**.

Employees who wish to raise a concern should refer to **section 10** and the employee flow chart in **Appendix 2**. Managers who receive or become aware of a concern should refer to the checklist in **section 10.13** and the management flow chart in **Appendix 3**.

The appendices provide examples and supporting tools. If there is any inconsistency between an appendix and the main body of the policy and procedure, the main body will apply.

5. Responsibilities

5.1 All colleagues

All colleagues are responsible for helping to create and maintain a respectful working environment. This includes:

- behaving in line with the Council’s values, Code of Conduct and expected standards of behaviour.
- treating colleagues, workers, agency staff, contractors, service users, customers, visitors, and members of the public with dignity and respect
- not engaging in harassment, sexual harassment, bullying, discrimination, or victimisation
- considering the impact of their behaviour on others, including language, jokes, banter, online communication, and behaviour at work-related events
- challenging inappropriate behaviour where it is safe and appropriate to do so.
- raising or reporting concerns they experience, witness, or become aware of at the earliest opportunity.
- cooperating with any informal action, investigation, or follow-up under this policy
- maintaining confidentiality where they participate in a concern, complaint, or investigation.

- completing any required training and familiarising themselves with this policy and related guidance
- not victimising or retaliating against anyone who raises a concern, supports another colleague, or acts as a witness.

5.2 Managers

Managers have an additional responsibility to lead by example, promote respectful behaviour, and take reasonable, practical steps to prevent and address unacceptable behaviour in their service areas. Detailed action to take when a concern is raised is set out in the manager checklist at section 10.13. Managers' preventative responsibilities include:

- setting clear expectations for respectful behaviour and reinforcing these through team meetings, one-to-ones, supervision, and induction
- ensuring employees understand this policy, reporting routes and expected standards of conduct.
- completing required training and supporting their teams to complete relevant training
- being alert to risks, patterns or warning signs and taking appropriate preventative action
- completing and reviewing relevant risk assessments in accordance with section 8
- escalating unresolved or significant risks through the appropriate management, Human Resources, Health and Safety or governance route.

5.3 Human Resources

Human Resources is responsible for providing advice and guidance on the application of this policy, supporting managers to respond appropriately to concerns, advising on informal and formal routes, and helping to identify wider learning, preventative action or policy improvements arising from cases or trends.

5.4 Senior leaders

Senior leaders are responsible for promoting a culture where harassment, sexual harassment, bullying, discrimination, and victimisation are not tolerated. They must support managers to take preventative action, ensure risks are addressed within their service areas, and model respectful and inclusive behaviour.

6. Definitions

For the purpose of this policy, the following definitions apply. Further examples are provided in Appendix 1.

6.1 **Harassment** is unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating, or offensive environment. Protected characteristics include age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Harassment may be a one-off incident or a pattern of behaviour. It can occur even where the behaviour was not intended to cause offence and may affect someone who witnesses the behaviour as well as the person it is directed towards.

6.2 **Sexual harassment** is unwanted conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating, or offensive environment. It also includes less favourable treatment because a person has rejected or submitted to unwanted conduct of a sexual nature.

6.3 **Third-party harassment** is harassment related to a protected characteristic, or sexual harassment, conducted by someone who is not employed by the Council but whom an

employee or worker encounters through work. This may include service users, customers, contractors, suppliers, visitors, partners, elected members, or members of the public, and may take place in person, by telephone, in writing, online or through social media.

6.4 **Bullying** is offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which undermines, humiliates or causes physical or emotional harm.

Reasonable management action conducted fairly and appropriately will not normally amount to bullying or harassment. This includes setting objectives, allocating work, managing performance, giving constructive feedback, addressing conduct or attendance concerns, and making reasonable management decisions.

6.5 **Upward bullying** is bullying or intimidating behaviour directed towards a manager or someone in a position of responsibility by an employee or group of employees. It may include undermining authority, persistent unreasonable challenge, disrespectful or hostile behaviour, exclusion, spreading rumours, refusing to follow reasonable management instructions, or behaviour intended to intimidate, isolate, or destabilise the manager.

6.6 **Discrimination** occurs where a person is treated less favourably because of a protected characteristic, or where a policy, practice or decision disadvantages people who share a protected characteristic and cannot be objectively justified.

6.7 **Victimisation** occurs when a person suffers detriment because they have raised, supported, or participated in a concern or complaint relating to discrimination, harassment, or sexual harassment.

7. Preventative duty

7.1 The Council has a legal duty to take all reasonable steps to prevent sexual harassment of employees in the course of their employment. The Council is also committed to taking reasonable and proportionate steps to prevent third-party harassment connected with work, including harassment related to a protected characteristic and sexual harassment by third parties.

7.2 This means the Council will anticipate relevant risks and take reasonable, and proportionate action to prevent sexual harassment and third-party harassment before it occurs and to reduce the risk of recurrence where concerns arise.

7.3 Although the legal preventative duty applies specifically to sexual harassment and third-party harassment, the Council's wider preventative approach applies to all forms of harassment, bullying, discrimination, and victimisation covered by this policy.

7.4 Section 8 explains how managers should identify risks, record reasonable steps and review whether preventative measures remain effective.

8. Reasonable steps and risk assessments

8.1 To support compliance with the preventative duty, managers must assess the risk of sexual harassment and third-party harassment within their service areas and identify reasonable steps to prevent or reduce those risks using the Council's corporate risk assessment process.

8.2 Risk assessments should identify relevant risks, existing control measures, further action required, owners, timescales, and review dates. This should be recorded using the Council's normal risk assessment process.

8.3 Risk assessments must be reviewed regularly and updated where concerns, incidents, changes in working arrangements, new activities or additional risks are identified.

8.4 Where a potential risk is identified but not included in the risk assessment, managers should keep a brief record of the reason. This may include where the risk is not reasonably foreseeable, is already adequately controlled, is not relevant to the service area, or is being managed through another appropriate process. This helps demonstrate that the risk was considered and that the decision was reasonable and proportionate.

8.5 As part of the risk assessment process, managers should consider:

- roles, tasks, locations, or working arrangements where employees may be at risk of sexual harassment or third-party harassment.
- higher-risk circumstances such as lone working, home visits, customer-facing duties, enforcement activity, out-of-hours working, social events, online communication, job insecurity or working away from the usual workplace.
- organisational and workplace risk factors such as employee-to-employee harassment, power imbalances, isolated working, repeated informal concerns, previous incidents, workplace or team culture, confidence in reporting concerns, management and supervision arrangements, and the use of agency staff or contractors.
- the nature and frequency of contact with residents, service users, customers, contractors, suppliers, elected members and other third parties.
- whether any resident, service user or other third party who may have contact with employees is recorded on the Council's Employee Protection Register, and whether the control measures recorded on the register need to be reflected in local risk assessments or working arrangements.
- appropriate preventative measures to address or reduce identified risks.

8.6 Following an incident, managers must review the relevant risk assessment and preventative measures in accordance with section 10.13.

8.7 When deciding whether a step is reasonable, managers should consider:

- the nature of the work, workplace, and working arrangements.
- the likelihood and potential seriousness of the risk
- whether existing control measures are effective
- whether previous concerns, incidents, complaints, or data indicate a pattern or increased risk.
- the practicality, proportionality, cost, and potential impact of further action
- whether an alternative measure may be more effective.

8.8 Reasonable steps may include training, clear reporting routes, visible leadership commitment, communication of expected standards, changes to working arrangements, additional supervision or support, restrictions on contact with third parties where appropriate, and periodic review of this policy and associated risk assessments.

8.9 A step may still be reasonable even if it would not have prevented a specific act of sexual harassment or third-party harassment. The focus is whether the Council has taken reasonable and proportionate action to prevent such behaviour before it occurs and to reduce the risk of recurrence where concerns arise.

9. Third-party harassment: reporting and action

9.1 Employees and workers should report incidents of third-party harassment to their line manager in the first instance, or through another reporting route set out in this policy where appropriate. Further guidance is available in the Council's Violence and Aggression Policy.

9.2 The manager, in conjunction with the reporting employee, must complete the violence at work form on Assess NET, the Council's health and safety incident reporting platform, as soon as possible. The form should include details of the incident and any action taken.

Part B – Procedure

Part B sets out the procedure for raising, considering, and resolving concerns. It explains the reporting routes, managers' responsibilities, informal and formal resolution, investigation, outcomes, appeals and recording requirements in sections 10 to 18.

10. Reporting concerns: what to do if you experience or witness unacceptable behaviour

10.1 If you experience, witness or become aware of harassment, sexual harassment, bullying, discrimination, or victimisation connected with work, you are encouraged to raise the concern as soon as possible. You do not need to be certain that the behaviour falls within a particular definition before reporting it.

10.2 If there is an immediate risk.

If you or someone else is at immediate risk of harm, move to a place of safety where possible and contact your manager, another appropriate manager, or the relevant emergency service. Any urgent steps needed to protect safety and wellbeing should be taken before the concern is considered under this procedure.

10.3 Who you can contact.

You may raise a concern with:

- your line manager
- the next level manager, or another appropriate senior manager, if the concern involves your line manager or you do not feel able to approach them.
- a trade union representative, who can advise and support you in raising the concern.

the Council's anonymous reporting arrangements, available on the intranet. (Anonymous harassment concern report – Fill in form

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You may also seek advice about this policy and the available options from Human Resources. If you are unsure which route to use, the manager you contact will help identify the most appropriate way forward.

If the concern involves an elected member, it should be submitted in writing to the Council's Monitoring Officer. Where it also raises employee safety, wellbeing, or workplace risk issues, you should inform your manager or another appropriate manager so that protective action can be considered.

10.4 You do not have to confront the person concerned.

You are not required to approach or confront the person whose behaviour has caused concern before reporting it. The Council encourages concerns to be addressed through informal resolution at the earliest appropriate opportunity where it is safe and suitable to do so. You may ask for the matter to be considered formally, particularly where the behaviour is serious, repeated, involves a power imbalance or makes you feel unsafe.

10.5 How to raise a concern.

A concern may initially be raised verbally or in writing. It is helpful to provide as much of the following information as you can:

- what happened and why it caused concern

- when and where it happened
- who was involved and whether anyone witnessed it
- whether there have been previous incidents
- any relevant messages, emails, documents, or other information
- what support or outcome you are seeking if you know.

You will not be prevented from raising a concern because you do not have all this information or are unsure what outcome you want.

10.6 Informal or formal action

When you raise a concern, the person receiving it should listen to you, consider any immediate safety or wellbeing needs and discuss the available options. Where it is safe and appropriate, informal resolution under section 11 should be considered before formal action. Formal action under sections 12 to 16 should be considered where informal resolution is unsuitable or unsuccessful or where the seriousness, risk or wider circumstances require it. The Council may need to act even if you would prefer the matter not to proceed, for example where there is a serious risk to you or others. Where reasonably practicable, this will be discussed with you first.

10.7 Support and representation

You may seek support from a trade union representative and may be accompanied at formal investigation meetings as set out in section 13. Wellbeing support is also available through the Council's Employee Assistance Programme and Mental Health First Aiders. If you need a reasonable adjustment or another form of support to raise a concern or participate in a process, tell the person managing the matter so that this can be considered.

10.8 Confidentiality and protection from victimisation

Concerns will be managed sensitively and as confidentially as reasonably practicable. Information will only be shared where necessary to assess risk, provide support, consider or investigate the concern, meet legal obligations, or take appropriate action. You will not be subjected to victimisation or retaliation for raising a concern in good faith, supporting another colleague, or acting as a witness.

10.9 Anonymous concerns

Anonymous concerns will be considered and assessed as far as reasonably practicable. However, anonymity may limit the Council's ability to clarify information, identify those involved, investigate fully or provide feedback. Even where individual action is not possible, the Council will consider whether the information identifies a wider risk, pattern, or need for preventative action.

10.10 Concerns involving a third party.

If the behaviour involves a service user, resident, customer, contractor, supplier, visitor, partner, or member of the public, report it using one of the routes in section 10.3. The third-party reporting and action requirements, including Assess NET recording, are set out in section 9.

10.11 Other procedures

Most concerns covered by this policy should be raised and considered under this procedure. If the information may amount to a whistleblowing disclosure, a safeguarding concern, a hate crime, or another matter requiring a separate response, the Council will identify the appropriate route and may use more than one procedure at the same time.

10.12 What happens next.

The manager receiving the concern should acknowledge it promptly, consider any immediate action needed, explain the available options and confirm who will be responsible for the next steps. You should be kept informed about significant developments and expected timescales. Further information about informal resolution, formal complaints, investigation, outcomes, and appeals is set out in sections 11 to 16.

10.13 Manager checklist: what to do when a concern is raised with you.

When an employee raises a concern, or you witness or become aware of possible unacceptable behaviour, you should:

- **Listen and take the concern seriously.** Give the employee time to explain what has happened, avoid making assumptions or reaching conclusions, and do not dismiss the concern because it was raised verbally, informally, anonymously or by a witness.
- **Check immediate safety and wellbeing.** Consider whether anyone is at risk, whether urgent protective action is needed and what support or reasonable adjustments should be offered. Contact the emergency services where there is an immediate danger.
- **Explain confidentiality honestly.** Reassure the employee that the matter will be managed sensitively, but do not promise complete confidentiality. Explain that information may need to be shared with those who need it to assess risk, provide support, consider the concern, or take appropriate action.
- **Establish the key information.** Record what happened, when and where it occurred, who was involved, any witnesses, whether there have been previous incidents and whether relevant messages, emails, documents, or other information are available. A lack of complete information must not prevent the concern from being considered.
- **Ask about the employee's views and support needs.** Discuss what they would like to happen, whether they want representation or wellbeing support and whether they need a reasonable adjustment. Do not require them to confront the person concerned.
- **Seek appropriate advice promptly.** Contact Human Resources where advice is needed and seek input from any other relevant service identified in sections 10.11 and 17.
- **Seek early resolution where appropriate.** Consider whether informal action under section 11 provides a safe and appropriate means of resolving the concern. Where informal action is unsuitable or unsuccessful, proceed under sections 12 to 16. Do not wait for a written complaint where action is required.
- **Consider whether another procedure is also required.** Identify whether the information may involve whistleblowing, safeguarding, hate crime, health and safety, criminal conduct, or another reporting requirement. More than one procedure may need to operate at the same time.
- **Follow the third-party procedure.** Where the concern involves a third party, follow section 9 and consider whether the Employee Protection Register or local risk assessment needs to be reviewed.
- **Protect against victimisation and further harm.** Remind relevant parties that retaliation will not be tolerated, consider appropriate interim arrangements and monitor whether any further concerns arise. Avoid moving the employee who raised the concern

unless they request this or it is otherwise appropriate after considering their views and the circumstances.

- **Keep an appropriate record.** Record the concern, risk considered, advice received, decisions made, reasons, support offered, action taken and agreed follow-up. Store information securely and share it only where necessary.
- **Confirm next steps and keep the employee informed.** Acknowledge the concern, explain who will manage it, confirm the immediate next steps, and expected timescales, and agree how and when you will provide updates. Follow up to check that agreed actions have been implemented and remain effective.

Managers must also consider whether the concern indicates a wider pattern, cultural issue, or inadequacy in existing controls, and whether the service risk assessment or other preventative measures should be reviewed.

11. Informal resolution

11.1 The Council strongly encourages concerns to be raised and addressed at the earliest appropriate opportunity. Early informal resolution can often stop unwanted behaviour, clarify misunderstandings, restore appropriate working relationships, and prevent concerns from escalating. Where it is safe and suitable, informal resolution should normally be considered before formal action.

11.2 Informal action may include listening to the employee's concerns, speaking to the person whose behaviour has caused concern, making them aware that their behaviour is unwelcome, reminding colleagues about expected standards, addressing misunderstandings, using supervision, coaching or mediation, agreeing practical steps and checking that the behaviour has stopped. Managers should keep a simple record of the concern, action taken and agreed follow-up.

11.3 Before using informal resolution, the manager must consider the seriousness of the concern, the employee's views, any immediate or wider risk, whether the behaviour has happened before and whether formal investigation or disciplinary action may be required. Informal resolution must not be used where it could place anyone at risk or where the concern is too serious to address informally.

11.4 Where informal resolution is appropriate, managers should act promptly, agree clear actions and timescales, and follow up to check that the behaviour has stopped, and the concern has been resolved. If informal action does not resolve the concern, the behaviour continues, further information becomes known or the matter becomes more serious, the manager must consider formal action without delay and seek advice from Human Resources where needed.

12. Formal resolution

12.1 Where informal resolution is not appropriate or has not been successful, an employee may submit a formal complaint in writing to their line manager. If the complaint concerns the line manager, it should be submitted to the next level manager or another appropriate senior manager.

12.2 The formal complaint should:

- describe the behaviour or incident concerned.
- identify those involved where possible.

- include relevant dates, witnesses, and supporting information where available.
- explain what resolution the employee is seeking.

12.3 The manager receiving the complaint is responsible for acknowledging it, seeking advice from Human Resources, and ensuring that any immediate safety, wellbeing, or interim measures are considered. An appropriate manager who has not been directly involved in the matter will assess the complaint and decide whether it should proceed to formal investigation, be addressed through another procedure or, after discussion with the employee, be managed in another appropriate way. The decision and reasons must be confirmed in writing. Where the receiving manager has a conflict of interest, responsibility must be assigned to another appropriate manager.

12.4 The confidentiality and information-sharing principles in section 10.8 apply. Colleagues should be kept informed about next steps and any significant changes to expected timescales. Where a formal investigation is needed, it should normally be completed within 12 weeks. If this is not possible, the reason for the delay should be explained to the relevant parties.

12.5 Formal investigation will usually be appropriate where:

- the concern is too serious to be resolved informally.
- informal resolution has been attempted but has not resolved the concern.
- management decides formal action is needed because of the seriousness, risk or wider organisational issues involved.
- there is a need to assess organisational risk, take preventative action, identify wider cultural issues, or comply with the Council's duty to prevent sexual harassment.
- the allegations may amount to gross misconduct.

13. Investigation

13.1 Where the manager decides that a formal investigation is required, they are responsible for commissioning it and appointing an investigating officer without unreasonable delay. The investigating officer must meet the independence requirement in section 13.9. Human Resources can advise on the appointment and process.

13.2 Investigations will:

- be conducted objectively and fairly.
- be managed as confidentially as reasonably practicable.
- consider relevant evidence from all parties.
- include interviews with relevant witnesses where appropriate.
- be completed without unreasonable delay.

13.3 Support will be available to the colleague who raised the concern, the respondent, and witnesses throughout the process.

13.4 Before starting the investigation, the investigating officer should confirm the scope of the investigation and note whether informal resolution has previously been considered and whether a formal investigation remains appropriate.

13.5 Where a concern has initially been investigated under another Council procedure, such as the grievance procedure, the relevant investigation material will be provided to the independent investigating officer appointed under this procedure. The investigating officer should use that material where it is relevant and sufficiently clear, fair, and complete, and will not normally repeat work already undertaken. They may make further enquiries or

gather additional evidence where this is necessary to address the scope of the investigation or ensure a fair and thorough process.

13.6 The investigation should focus on matters relevant to the concern raised. Information about a colleague's wider working relationships or private life should only be considered where it is directly relevant to the complaint.

13.7 Following the initial interview, the investigating officer should provide the colleague who raised the concern with written confirmation of the matters to be investigated. This helps ensure the complaint is understood and relevant issues are not missed.

13.8 The respondent must be given sufficient information about the complaint before any investigation interview so they can respond properly to the matters raised.

13.9 Human Resources will be available to advise the manager or investigating officer. The investigating officer should be independent from the work area of both the colleague who raised the concern and the respondent.

13.10 The colleague who raised the concern, the respondent and witnesses may be accompanied at investigation interviews by a trade union representative or another Council employee. Interviewees will be provided with a copy of the notes from their interview.

13.11 The disciplinary procedure may apply where:

- the allegations may amount to gross misconduct.
- the respondent is suspended from work.
- the respondent is invited to a disciplinary investigation meeting.
- there is evidence of other possible disciplinary breaches.

14. Outcome meeting

14.1 The colleague who raised the concern and the respondent will be invited to separate outcome meetings and informed of the outcome of the investigation. The outcome will also be confirmed in writing, including a response to the matters raised and broad information about any further measures to be taken, where it is appropriate to share this.

14.2 Confidentiality will be maintained as far as reasonably practicable throughout the process. Where witnesses or other parties need to be updated or debriefed, this should be done carefully and only where appropriate.

15. Further action

15.1 Following investigation, the Council will decide what action is appropriate based on the findings, the seriousness of the matter, any risk to colleagues and the need to prevent recurrence.

15.2 Where a formal investigation finds that concerns are substantiated in whole or in part, prompt action will be taken to stop the discrimination, harassment, sexual harassment, bullying or victimisation and to reduce the risk of it happening again. This may include management action, preventative measures, and/or disciplinary action where appropriate.

16. Appeals

16.1 If the complaint does not proceed to a disciplinary hearing and the colleague who raised the concern is unhappy with the way their complaint was investigated, they may appeal against the investigation process or decision.

16.2 Where colleagues are subject to another relevant procedure, any right to a hearing or appeal under that procedure may provide the appropriate forum to raise concerns about related management action.

16.3 Appeals should be submitted in writing to the Service Director, Customer and Organisation Development, within five working days of receiving the outcome letter. Where possible, the appeal will be arranged within 15 working days of receipt.

16.4 The officer hearing the appeal should be independent from the matter and will be provided with relevant information about the complaint and investigation.

16.5 The purpose of the appeal is to consider whether the complaint was investigated fully and fairly and whether a reasonable decision was reached. It is not normally to re-hear the original complaint or call witnesses again.

16.6 The officer hearing the appeal may:

- reject the appeal.
- uphold the appeal and arrange for the complaint to be re-investigated by a new investigation team.
- decide that the matter was not fully investigated or that the conclusions reached were flawed and arrange for further investigation to take place.

17. Special considerations

17.1 Malicious and frivolous complaints

The investigating officer will consider whether there is evidence that a complaint may be vexatious, malicious, or frivolous. If such evidence becomes known during the investigation, appropriate action may be taken, which may include disciplinary action.

17.2 Redeployment

It may be necessary to separate the colleague who raised the concern and the respondent as part of an informal resolution, formal investigation, or follow-up action. Where allegations are substantiated, every effort will normally be made to avoid moving the colleague who raised the concern unless they request this or it is otherwise appropriate after considering their views and the circumstances.

17.3 Suspension of the respondent

Unfair discrimination, harassment, sexual harassment, and bullying may be treated as misconduct or gross misconduct under the Council's disciplinary procedure. Suspension will be considered in line with that procedure.

17.4 Attendance at hearings

If the colleague who raised the concern is unable to attend a disciplinary or appeal hearing for health reasons connected to the complaint, this should be supported by medical certification. The hearing panel should consider the available evidence appropriately and take account of the impact on the colleague.

17.5 Complaints made by members of the public.

If a member of the public submits a complaint alleging bullying, harassment or discrimination by a Council employee, the Council's complaints procedure should be followed so the matter is recorded and considered appropriately. Any employment-related concerns arising from the complaint should be referred to the relevant manager and Human Resources.

17.6 Complaints involving an elected member.

If a complaint involves an elected member, it should be submitted in writing to the Council's Monitoring Officer and considered under the Members' Code of Conduct. Where the matter also raises employee safety, wellbeing or workplace risk issues, managers should seek advice from Human Resources and any other relevant service.

18. Monitoring

Human Resources will maintain central records of concerns raised under this policy, including informal and formal complaints, actions taken and outcomes. Managers must notify Human Resources of any action taken under this policy so that records remain accurate and consistent.

Appendix 1 – Examples of unacceptable workplace behaviour

The examples below are illustrative and are not exhaustive. Whether behaviour is covered by this policy will depend on the context, the impact on the person affected, the seriousness of the behaviour and whether it forms part of a wider pattern.

Examples of bullying, harassment, and other unacceptable behaviour

- spreading malicious rumours, gossip, or insulting comments about a colleague
- ridiculing, humiliating, or demeaning someone, including in front of others.
- excluding, isolating, or victimising someone
- using overbearing supervision, intimidation, or misuse of power
- making unfounded threats about job security
- deliberately undermining a competent employee through excessive criticism, unrealistic objectives, or withholding information
- blocking access to training, development, or progression without fair reason
- using abusive, patronising, threatening, or derogatory language
- displaying or sharing offensive written, visual, or digital material
- making offensive jokes, gestures, assumptions, or comments related to a protected characteristic or someone's identity or background.
- treating someone unfairly because of trade union membership or non-membership
- threatening behaviour, including written, verbal, or physical threats.

Examples of sexual harassment

- unwanted sexual comments, jokes, innuendo, propositions, or advances
- comments about a colleague's body, appearance or clothing that are sexual in nature.
- asking intrusive questions or making speculation about someone's private life or sexual activity.
- displaying, sending, or sharing sexually offensive images, emails, messages, or social media content
- unnecessary or unwanted physical contact, including touching, pinching, patting, or brushing against someone.
- requests or pressure for sexual favours
- suggesting that employment, promotion, work allocation, or other treatment depends on accepting sexual attention.
- threatening or conducting sexual assault.

Examples of harassment related to gender identity, gender expression, or sexual orientation.

- making offensive comments, jokes or assumptions about someone's gender identity, gender expression, gender reassignment, or sexual orientation.
- deliberately excluding someone from conversations, activities, or events because of their identity
- repeatedly or deliberately using incorrect pronouns
- repeatedly or deliberately using a previous name of someone who has changed their name, sometimes referred to as deadnaming.
- using personal beliefs to justify negative treatment of LGBTQ+ colleagues
- denying or dismissing someone's identity, gender, or sexual orientation.
- displaying or sharing offensive graffiti, images, messages, or social media content
- using abusive, threatening, or insulting words or behaviour related to identity.
- spreading malicious rumours about someone's private life, identity, or relationships.

- describing bisexual people as ‘uncertain,’ ‘indecisive’ or ‘unstable’ because of their sexuality
- threatening or conducting violence related to gender identity, gender expression, or sexual orientation.

Examples of micro-aggressions

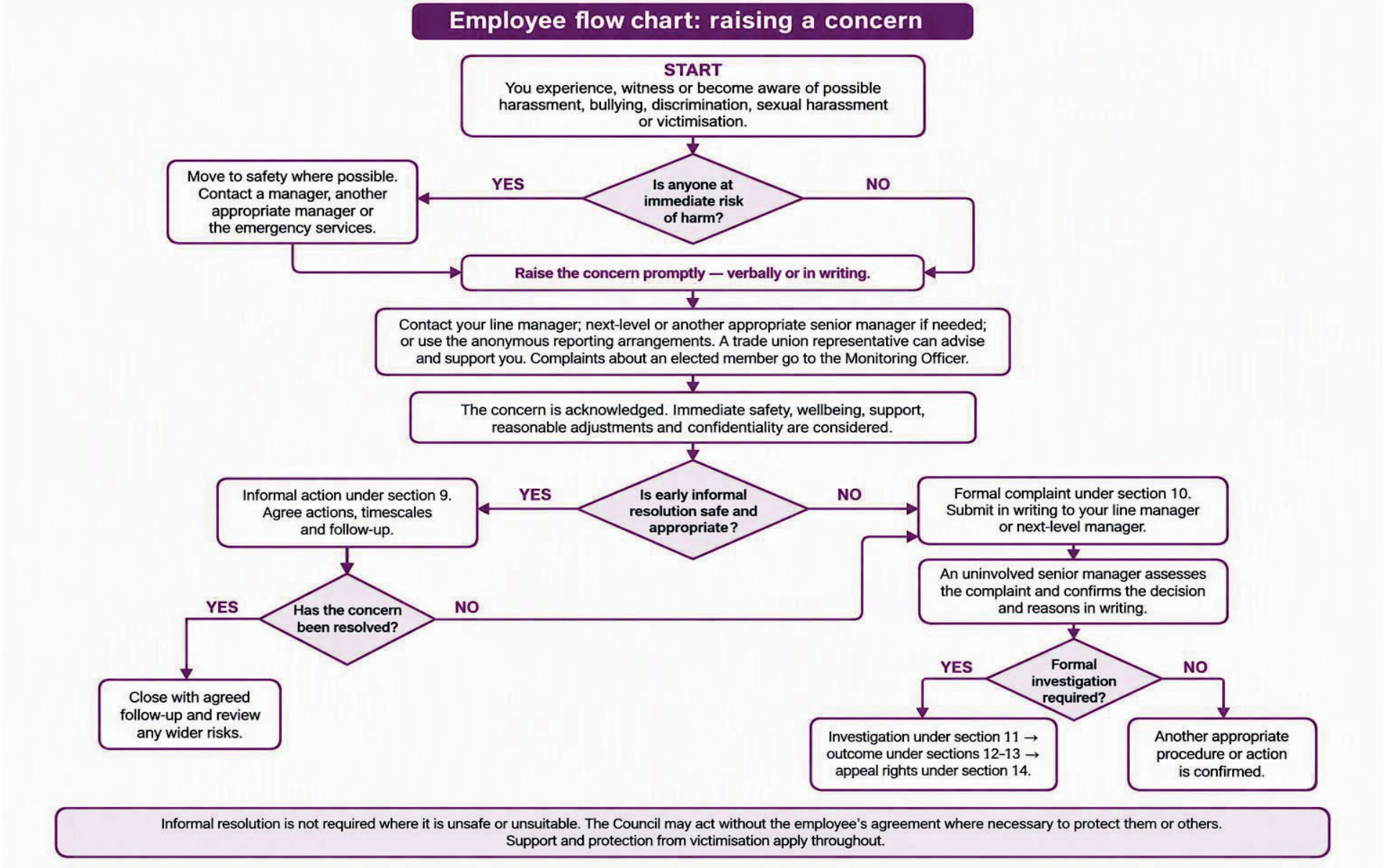
- repeatedly mispronouncing or shortening someone’s name after being corrected.
- making assumptions about someone’s ability, background, culture, religion, or personal circumstances.
- making comments that stereotype or single someone out because of a protected characteristic or identity
- using language or humour that dismisses, undermines, or minimises someone’s experience.
- excluding someone from conversations, networks or opportunities in ways that may relate to identity or background.
- questioning whether someone belongs in a role, team, or workplace because of assumptions about them.

Examples of third-party harassment

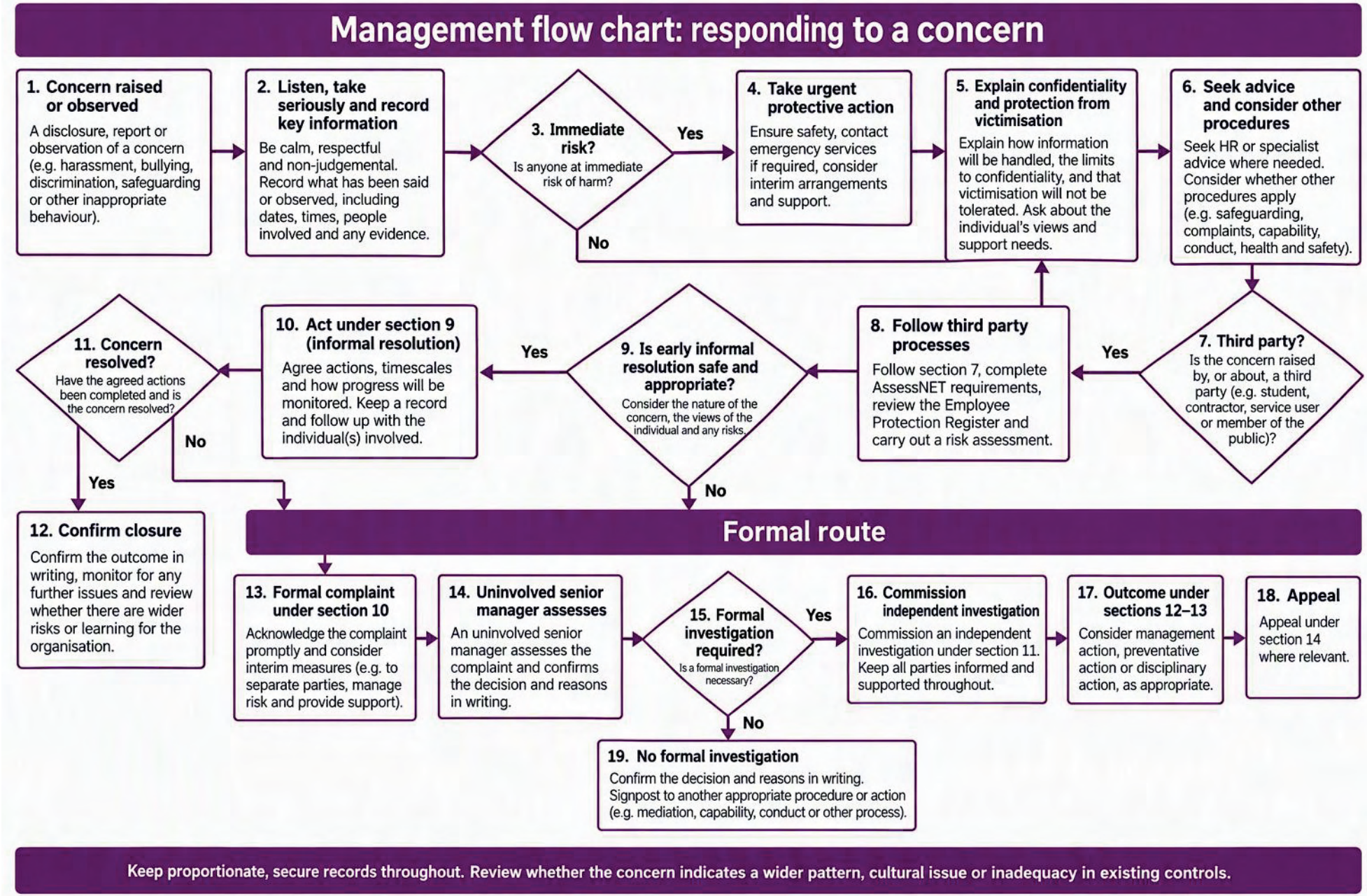
- a service user, customer, contractor, visitor, or member of the public making abusive, offensive, or discriminatory comments to a colleague.
- a third party making unwanted sexual comments, gestures, advances, or contact.
- a third-party sending offensive, discriminatory or sexual messages, emails or social media content connected with work.
- a third party repeatedly targeting, intimidating, or humiliating a colleague because of a protected characteristic or perceived identity.
- a third-party using threats, aggression or hostile behaviour linked to race, religion or belief, disability, sex, sexual orientation, gender reassignment, age, or another protected characteristic.
- a contractor, supplier, partner, or elected member behaving in a way that creates an intimidating, hostile, degrading, humiliating, or offensive environment for a colleague.

These examples are not exhaustive. Managers should consider the context, impact, seriousness, and any pattern of behaviour when deciding how a concern should be addressed.

Appendix 2 – Employee flow chart: raising a concern.



Appendix 3 – Management flow chart: responding to a concern.



Appendix 4 – Example risk assessment

Prevention of Sexual Harassment, Risk Assessment		
Department:	Service Area:	Manager:
Completed by:		
Sexual harassment can happen in any organisation. You must not assume that it will not happen.		

Concern/risk/harm identified. *All the examples listed within this column are factors that might increase the likelihood of sexual harassment or may impact on whether an incident of sexual harassment is reported.*	**Who may be harmed?** *Name the individual(s) that could be harmed.*	**Current control measures in place** *List the current control measures you already have in place for this hazard.*	**Additional measures** *List any additional measures required to minimise the risk*
EXAMPLE Do you have employees/workers that are considered 'lone workers' or 'night workers' or 'out of hours workers? Without the presence of colleagues or supervisors, lone workers may be more vulnerable to inappropriate behaviour from clients, customers or other third parties.	Joe Bloggs, Housing Officer is considered a lone worker.	A lone worker risk assessment (F617) has been completed. Joe has completed the module 'Safety for Lone Workers' Joe has attended tutor-led personal safety training. In house buddy system in place Joe has been provided with a lone worker device	Joe to ensure he has completed the module 'Preventing Sexual Harassment in the Workplace' and understands what constitutes harassment and what to do if he experiences or witnesses it. Joe to familiarise himself with this policy, available on Connect. Manager to ensure regular communication with Joe and provide an open and supportive environment so Joe can raise any concerns about harassment. Manager to comply with the manager's responsibilities outlined in this policy.
Do you have any employees/workers that are considered 'young workers? (an individual is classed as a young worker if they are in full or part-time employment and under the age of 18, but over			

the minimum school-leaving age)			
Do you have any employees/workers that visit customers' homes/other sites?			
Do you have any employees/workers that come into contact with members of the public who may be intoxicated?			
Do you have any employees/workers that are part of a team social media group e.g. WhatsApp Group?			
Do you have any employees/workers that are likely to socialise with colleagues outside of work and/or attend work related social events or nights out?			
Is there a lack of diversity in the team?			
Are there any power imbalances in the team?			
Do you have any employees/workers that are less likely to be aware of the risks and how to report incidents? e.g. language or learning difficulties			

Do you have any employees/workers that belong to a minority ethnic group?			
Do you have any employees/ workers that are part of the LGBTQ+ community?			
Do you have any employees/workers that are likely to lack experience or maturity?			
Do you have any employees/workers who might be keen to please people at work?			
Do you have any employees/workers that have recently raised or supported a claim of sexual harassment and therefore at risk of victimisation or further harassment?			
Do you have any employees/workers that go on business trips or external work-related events with or without colleagues?			
Do you have any employees/workers that may have a concern around job security? i.e. part of a restructure/redundancy situation/zero hours contracts/agency staff			

Do you have any employees on fixed term or secondment contracts?			