

Bullying, Harassment and Sexual Harassment Policy

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1. Introduction

All staff should be able to work in an environment free from harassment and bullying and be treated with dignity and respect, regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, or disability.

This policy and procedure provide guidance on what to do if you are concerned about bullying, harassment, or sexual harassment and what to expect if you raise concerns. It applies to anyone engaged with or acting on behalf of the Council, including employees, Councillors, volunteers, contractors, agency workers, suppliers, service users and members of the public where appropriate.

2. Policy

- 2.1 Lancing Parish Council does not tolerate bullying or harassment. This applies to conduct occurring in connection with Council activities, whether in person, online, during meetings, event or other Council-related interactions.
- 2.2 The Council does not tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal where the subject is an employee. You should also be aware that if a court or tribunal finds that you have bullied or harassed someone, in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.
- 2.3 The Council will take appropriate action where any person covered by this policy experiencing bullying or harassment.

3. What type of treatment amounts to bullying or harassment?

- 3.1 Bullying is offensive, intimidating, threatening, malicious or insulting behaviour, and/or an abuse or misuse of power that undermines, humiliates, or injures the person on the receiving end.
- 3.2 Harassment is unwanted conduct related to relevant 'protected characteristics', which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Harassment amounts to unlawful discrimination if it relates to a 'protected characteristic'.
- 3.3 Sexual harassment is a form of unlawful harassment (as defined above) which entails unwanted conduct of a sexual nature. A person of any gender can be a victim of sexual harassment, and it may be committed by a person of any gender.
- 3.4 Third party harassment and discrimination refers to the harassment and/or discrimination of a person that is covered by this policy that is carried out by someone who is not an employee or worker and may include:
 - The general public and/or service users
 - Suppliers
 - Independent contractors and consultants
- 3.5 The use of the word 'harassment' throughout this policy includes sexual harassment.

3.6 Examples of bullying and harassment include:

- **Unwanted physical conduct** – such as unnecessary touching, patting, pinching, brushing against another person’s body; insulting behaviour or obscene gestures; physical threats; aggressive behaviour and/or assault.
- **Unwanted verbal conduct** – such as unwelcome advances; patronising titles or nicknames; offensive or insulting comments; propositions or remarks; innuendo; lewd or suggestive comments; over-familiar behaviour, slogans or songs; insensitive jokes, gossip and slander (including speculation about a person’s private life and sexual activities); banter or abusive/offensive language which is either threatening or refers to a person’s sex/gender, race (including colour and ethnic or national origins), disability, sexual orientation, religion or belief, age, marital status or civil partnership, pregnancy/maternity or gender reassignment.
- **Unwanted non-verbal conduct** – such as racially or sexually based graffiti or graffiti referring to an individual’s characteristics or private life; abusive or offensive gestures; leering, whistling, creation, distribution or display of suggestive or offensive pictures, objects or written materials or videos through any means.
- **Bullying** – includes unwanted physical contact or assault but also verbal bullying such as insulting or threatening comments; comments intended to undermine, belittle, embarrass or humiliate the recipient; personal abuse, either in public or private, which humiliates or demeans the individual involved.
- **Virtual bullying** – includes distribution of unwanted emails, texts, images or humiliating data published on social networking sites or abusing our technology or using the employee’s own technology to contact a colleague in an intimidating or malicious manner.
- **Conduct of a sexual nature** – includes unwanted physical, verbal and nonverbal conduct as discussed above; further examples include displaying pornographic or explicit images, indecent exposure, emails with sexual content, sexual innuendo, sexual solicitation, sexual assault; see also, coercion.
- **Coercion** - including threats of dismissal or loss of promotion etc for refusal of sexual (or other) favours (or promises made in return for sexual or other favours); pressure to participate in political or religious groups etc.
- **Isolation or non-cooperation at work** – deliberate exclusion from communications including group emails, conversations or social activities; setting unrealistic deadlines; substituting responsible tasks with menial or trivial ones; withholding information or giving false information; constantly undervaluing effort.

3.7 It is important to note that conduct which one person may find acceptable, another may find totally unacceptable. Everyone must treat others with respect and appropriate sensitivity.

3.8 Bullying does not include appropriate feedback, supervision or performance management carried out reasonable and respectfully.

4. Sexual Harassment

4.1 Sexual harassment is unlawful and will not be tolerated. Complaints resulting in the finding of sexual harassment having taken place will be subject to appropriate action under the relevant Council procedures. Appropriate action may include termination of contracts, withdrawal of services, exclusion from Council activities or disciplinary action where applicable.

4.2 Sexual harassment can include, but is not limited to:

- Unwanted physical, verbal and non-verbal conduct of a sexual nature
- Displaying pornographic or explicit images
- Indecent exposure

- Using email or social media to make inappropriate, derogatory or offensive content that is of a sexual nature, which can include sexual innuendos, sexual solicitation, sexual assault. This can include sharing, posting, liking or tagging someone in a post.
- Unwanted physical, verbal and non-verbal conduct of a sexual nature that is towards another person, such as a colleague, member of the public, service user, supplier, contractor, or any other third part associated with us.

4.3 All individuals should be aware that individuals may be held personally liable for their own acts and behaviour.

5. Third Party Harassment and Discrimination

5.1 Third party harassment and discrimination refer to harassment or discrimination carried out by someone who is not directly employed or engaged by the Council.

5.2 Third party harassment will not be tolerated, and we take reasonable steps to prevent it from occurring. This includes:

- Warning notices to our service users
- Information in terms and conditions
- Providing regular training for managers and staff to raise awareness of rights related to sexual harassment and of this policy
- Provide specific training for managers to support them in dealing with complaints
- Take steps to minimise occasions where staff work alone
- Where possible, ensure lone workers have support
- Carry out risk assessments when planning events attended by the general public

5.3 Anyone who believes that they have been the victim of third-party harassment and/or discrimination should immediately report the incident to a manager of the CEO/Clerk. In the case of an agency worker, they should immediately report it to both their temporary recruiting agency and their point of contact within our organisation.

5.4 Where a person covered by this policy has been harassed and/or discriminated against by a third party, we will take reasonable steps to prevent any recurrence. The options may include:

- Issuing a warning about their behaviour
- Banning the third-party
- Reporting criminal acts to the police

5.5 If an employee harasses and/or discriminates against a supplier or an independent contractor or consultant, the employee will be subject to disciplinary action under the Council's Disciplinary Policy. In the case of a worker, may have their agreement terminated.

6. Victimisation

6.1 Victimisation is when someone is treated less favourably because they have committed, or it is believed they may commit a "protected act". "Protected acts" include bringing legal proceedings relating to harassment or discrimination against the employer or the perpetrator, or the giving of evidence at a disciplinary or grievance hearing or at tribunal, or making complaints about the perpetrator or the employer about their alleged discriminatory and unlawful practices, etc.

6.2 We encourage everyone to challenge or raise incidents of unacceptable behaviour should they witness or experience it directly. Disciplinary action, including summary dismissal, without notice, may be taken against an employee who is found guilty of victimisation. In the case of a

worker being found guilty of victimisation, their terms and conditions of engagement may be terminated with immediate effect.

7. Risk Assessment

- 7.1 We will identify and assess the risks associated to bullying and harassment and identify reasonable measures to prevent it from occurring. The findings will be recorded in writing, and we will keep our assessment under continuous review.
- 7.2 A copy of the risk assessment can be found with the CEO/Clerk, and can be supplied to employees, workers, or third parties as requested.
- 7.3 We encourage all individuals covered by this policy to inform their managers of areas in which they believe harassment protection could be further improved.
- 7.4 We also consider risks relating to bullying and harassment in our other organisational risk assessments.

8. Reporting Concerns

- 8.1 What you should do if you witness an incident you believe to be harassment or bullying
If you witness such behaviour, you should report the incident in confidence to a manager or the Clerk. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.
- 8.2 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 with, please raise this with a manager or the Clerk in the first instance. They will then decide how best to deal with the situation, in consultation with you.
- 8.3 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 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 Member Code of Conduct will be investigated by the Monitoring Officer.
- 8.4 What you should do if you are being bullied or harassed by a member of staff
If you are being bullied or harassed by a member of staff, there are two possible avenues for you, informal or formal. These are described below. All avenues will be followed in line with the Council's Grievance and Disciplinary Policies.
- 8.5 What you should do if you are being bullied or harassed by the Clerk
If you are being bullied or harassed by the Clerk, this should be reported to the Chair of the Council in the first instance, then referred to the HR Committee. All proceedings will follow the Clerk's Disciplinary Policy.

9. Informal Resolution

- 9.1 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 our policy and must stop. Alternatively, you may wish to ask the Clerk, or a manager to put this on your behalf or to be with you when confronting the perpetrator(s).

9.2 If the above approach does not work or if you do not want to try and resolve the situation in this way, or if you are being bullied by your own manager, you should raise the issue with the Clerk. If the grievance is against the Clerk, you should discuss this with the Chair of the Council. The appropriate individual will discuss with you the option of trying to resolve the situation informally by:

- Telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a member of staff
- That such behaviour is contrary to our policy
- That for employees, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible to have the conversation with the alleged perpetrator without revealing your name, if this is what you want. They will also stress that the conversation is confidential.

9.3 In certain circumstances we may be able to involve a neutral third party to facilitate a resolution to the problem. This will be discussed with you if it is appropriate.

9.4 If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as a serious allegation of harassment or in cases where a problem has happened before) the Council 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.

10. Raising a formal complaint

10.1 If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about the harassment or bullying to the Clerk (of the Chair of the Council in the case of the complaint being about the Clerk. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

10.2 The Clerk or the Chair of the Council will appoint someone to investigate your complaint. You will need to cooperate 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

10.3 Raising a formal complaint against another individual

The alleged perpetrator(s) would need to be told your name and the details of your complaint 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 separate you whilst the matter is being investigated.

10.4 Raising a formal complaint against a third party

We will investigate the complaint as far as possible by contacting the member of public or the supplier's employer and asking for a response to the allegations.

10.5 Raising a formal complaint against a councillor

Formal concerns regarding potential Code of Conduct breaches will be investigated by the Monitoring Officer.

10.6 Raising a formal complaint against the Clerk

The Chair of the Council will liaise with the HR Committee in order to carry out the investigation and will work in line with the Clerk's Disciplinary Policy. Where you and the Clerk work in proximity to each other, we will consider whether it is appropriate to separate you whilst the matter is being investigated.

11. During the Investigation

11.1 Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. If, after an investigation, we decide that an individual has harassed or bullied another individual, then the employee may be subject to appropriate action under the relevant Council procedures.

11.2 The Council will consider how to protect your health and wellbeing while the investigation is taking place and discuss this with you. Depending on the nature of the allegations, an investigator may want to meet with you to better understand your complaint. Whilst there is no statutory right to be accompanied at investigations meetings, the investigator will consider your request if you want to have a work colleague or union representative with you at that meeting.

11.3 Hearing

After the investigation, a panel will meet you in a Grievance Hearing (following the Grievance Policy) to consider the complaint and the findings of the investigation. At the meeting you may be accompanied by a fellow worker or a trade union official.

After the meeting 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 Policy.

11.4 Victimisation

Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

11.5 False Allegations

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false accusations. False allegations made in bad faith will be dealt with under our Disciplinary Policy.

11.6 Disclosure and Confidentiality

We will treat personal data collected during this process in accordance with the data protection policy.

11.7 Use of the Disciplinary Process

Harassment and bullying constitute serious misconduct. If, at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offense might have been committed, we will instigate our disciplinary procedure. Any employee found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary dismissal.

12. Monitoring, Review and Continuous Improvement

- 12.1 The Council will monitor reported incidents, outcomes and any patterns of concern to ensure ongoing learning and improvement. Data will be handled confidentially and used to inform future training and policy development.
- 12.2 This policy will be reviewed at least every three years, or sooner if required due to legislative changes, serious incidents or new national guidance (e.g. NALC or ACAS recommendations).
- 12.3 Feedback from employees and Councillors will be used to strengthen the policy and associated procedures wherever appropriate.

13. Supporting Documents

- 13.1 This policy is to be read in conjunction with the following Lancing Parish Council Policies:
 - i. Preventing Harassment and Sexual Harassment Risk Assessment
 - ii. Disciplinary Policy
 - iii. Grievance Procedure
 - iv. Councillor Code of Conduct
 - v. Equality, Diversity & Inclusion (EDI) Policy
 - vi. Health and Safety Policy