



Zero Tolerance Policy: Bullying, Harassment and Sexual Harassment

The purpose of this policy is to provide colleagues with a fair and transparent process for addressing and resolving workplace concerns promptly and effectively.

Contents

1.0	Policy statement	2
2.0	Scope	2
3.0	Guiding principles	2
4.0	What is harassment, bullying and victimisation?	2
5.0	What is Sexual Harassment?	3
6.0	Third party sexual harassment	4
7.0	SKDC's approach to bullying, harassment and sexual harassment issues ...	4
	7.1 Informal Resolution	4
	7.2 Formal Complaint (Stage 1)	5
	7.3 Appeal (Stage 2)	6
8.0	Advice and Support.....	7

Relevant forms and letters:

- [Complaint form – Bullying, Harassment or Sexual Harassment](#)
- [Supporting templates and meeting guides](#)
- [Sexual Harassment Guide for Employees](#)

If you have any questions about this policy or require any further support, please contact the HR team by emailing hr@southkesteven.gov.uk

For independent support, our Employee Assistant Support service offer a completely confidential helpline for employees. Call 0800 716 017 to receive support for mental health, legal signposting, practical help, manager coaching and much more.

1.0 Policy statement

South Kesteven District Council is committed to maintaining an inclusive working environment where all colleagues are treated fairly with respect and dignity and where everyone feels they can be themselves. This policy aims to provide information on what bullying, harassment and sexual harassment is and the framework for concerns to be raised and resolved in a constructive and timely way.

2.0 Scope

We seek to ensure our working environment is safe and supportive to all those who work for us and this policy therefore applies to employees across all sites of South Kesteven District Council. The policy covers incidents that take place during working hours and outside of working hours, when an individual's actions adversely affect the Council or have a bearing on any workplace relationship. This could be, for example, on business trips, work social events or through social media.

We would normally expect complaints to have been made within three months of the event complained of and it may not be possible to investigate older complaints.

3.0 Guiding principles

- The Council actively encourages employees to talk through any concerns that affect them in the workplace.
- Some workplace issues can be resolved informally, in which case the Council will support colleagues to do so.
- Where informal resolution is not appropriate, the approach detailed in this policy will be followed in a timely, fair and constructive manner.
- All concerns raised by an employee will be handled sensitively and employees will be treated with dignity and respect at all times.
- The Council will take any cases seriously and deal with concerns including carrying out investigations where required, in a fair, consistent and timely manner.
- The employee may be accompanied at a meeting in the bullying and harassment process by a Trade Union Representative or a work colleague with no involvement to the case.
- Investigating managers and anyone else involved should treat concerns confidentially.
- Should an issue be raised in bad faith disciplinary action may be taken against the employee who has made a malicious claim.
- Anyone involved in a concern, including witnesses, must keep all details completely confidential.

4.0 What is harassment, bullying and victimisation?

Harassment is unwanted conduct which has the purpose or effect of violating someone else's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. This can include any kind of behaviour including spoken or written words, images, physical gestures, facial expressions, mimicry, jokes or pranks.

Under the Equality Act 2010, the Council has a legal obligation to ensure the following types of harassment do not take place at work:

- Harassment related to the protected characteristics of race, disability, gender, gender reassignment, age, sexual orientation and religion or belief;
- Sexual harassment (see section 5); and
- Less favourable treatment of an employee because they submit to or reject sexual harassment or harassment related to sex or gender reassignment.

Some forms of harassment, for example sexual assault, other physical threats and hate crimes, are a criminal matter and will be reported to the Police. If the complaint is reported to the police, or criminal court proceedings are being pursued, a complaint will still be investigated by the Council.

Bullying is offensive, intimidating, malicious or insulting behaviour. It is typically an abuse or misuse of power through means that undermine, humiliate or injure the recipient.

Victimisation is less favourable treatment of an individual because they have:

- Made a complaint or intend to make a complaint about being bullied or harassed; or
- Intend to act as a witness or give evidence in support of another person's complaint about being bullied or harassed.

5.0 What is Sexual Harassment?

Sexual harassment takes many forms, but whatever form it takes, it is unlawful under the Equality Act 2010 and we will not tolerate it.

Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It also covers treating someone less favourably because they have submitted to, or refused to submit to, unwanted conduct of a sexual nature or in relation to gender reassignment or sex.

Sexual harassment may be committed by a fellow worker, an agent of an organisation or a third party. It does not need to occur in person. It can occur via digital means, including social media sites or channels (eg WhatsApp). Someone may be sexually harassed even if they were not the target of the behaviour. Examples of sexual harassment include, but are not limited to:

- sexual comments or jokes, which may be referred to as "banter"
- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return for sexual favours
- sexual gestures
- intrusive questions about a person's private or sex life or a person discussing their own sex life
- sexual posts or contact in online communications, including on social media

- spreading sexual rumours about a person
- sending sexually explicit emails, text messages or messages via other social media
- unwelcome touching, hugging, massaging or kissing

Instances of sexual harassment, bullying and victimisation may lead to disciplinary action up to, and including, termination of employment.

6.0 Third party sexual harassment

Third-party sexual harassment occurs when an employee is subjected to sexual harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our customers, suppliers, members of the public and elected members.

Third-party sexual harassment of our workforce is unlawful and will not be tolerated. The law requires employers to take steps to prevent sexual harassment by third parties and we are committed to doing so.

Although the process below does not apply to complaints relating to third parties, complaints will be taken very seriously and appropriate action will be taken including reporting to the police where it is criminal matter.

It may be appropriate to fully investigate a complaint made about a third party and consideration will be given as to what action may be appropriate to protect the complainant and anyone else involved. We will try to discuss the matter with the third party or their employer where appropriate.

7.0 SKDC's approach to bullying, harassment and sexual harassment issues

The Council wants to encourage everyone to raise issues that are concerning.

7.1 Informal Resolution

Some situations can be resolved informally which allows for them to be settled in a timely manner. In these situations, the employee is encouraged to raise the issue with a senior colleague of their choice (this does not need to be someone with direct supervisory responsibility) or HR. An open and confidential discussion should take place to understand the concern and explore possible resolutions.

The manager will make reasonable efforts to address the complaint and informally resolve the matter in a timely manner. Mediation may be considered if the concern relates to working relationships between colleagues which may conclude an approach to building an agreement for future working relationships.

The manager will confirm the outcome verbally to the employee, along with a summary letter or email.

If the complaint cannot be resolved informally, SKDC or the complainant may decide to deal with it formally (see below).

7.2 Formal Complaint (Stage 1)

An employee can raise a formal concern when:

- An employee has tried to settle their concern informally without success or;
- In certain situations, a complaint will move straight to the formal stage, for example when seeking an informal resolution is not appropriate

This can be done by putting the concern in writing and either:

- Sending it to the line manager or the senior manager
- Sending it to HR (hr@southkesteven.gov.uk)

When a case is being heard as a formal complaint, the senior manager and/or HR should consider who would be appropriate to investigate. This may be an internal investigating manager or an external investigator with expertise/training for the role.

Where the allegation(s) is serious, SKDC may suspend the alleged perpetrator on full pay while the complaint is being investigated. A decision to suspend does not imply any guilt, but may support a fair investigation.

A meeting will be held with the employee to discuss the concern and how the employee would like it to be resolved. Further investigations and/or interviews will then take place with those involved, including the alleged perpetrator and witnesses. Colleagues may be accompanied by a Union Representative or colleague if they wish.

Notes of meetings will be shared with the interviewee. Both the complainant and the respondent will receive a copy of any materials used in the investigation including witness statements unless the investigating manager thinks there is a risk of intimidation or retaliation.

Both the complainant and respondent will receive a written summary of the investigating manager's conclusions and decisions.

The outcome will either be:

- Upheld
- Partially upheld
- Not upheld
- Not upheld – complaint made in bad faith

The investigator may make recommendations as an output to the case. This may include recommending the case enters the disciplinary procedure at the stage of a Hearing (i.e. with no fact finding required due to the investigation providing the facts of the case). This could be against the respondent, where the complaint has been upheld or partially upheld. It could also be a recommendation for disciplinary action against the complainant, if the investigation concludes the complaint was raised in bad faith.

The formal harassment and bullying action (Stage 1) will normally be completed within 28 calendar days. However, we recognise that certain circumstances may arise necessitating additional time for thorough investigation and resolution in which case the complainant and respondent will be kept informed.

If the complainant is dissatisfied with the decision, they may proceed to Stage 2 Appeal stage.

The respondent has no right to appeal the outcome of the complaint investigation, but if disciplinary action is taken, they have the right to appeal in line with the disciplinary policy.

7.3 Appeal (Stage 2)

If an employee feels their concern has not been satisfactorily resolved having followed the stage 1 process above, they can appeal within five working days of receiving the outcome. This can be done by informing the Stage 1 Investigator of their wish to appeal or by contacting HR.

The employee should set out in writing why they wish to appeal and wherever possible, propose a solution that would resolve the concern.

The appeal manager will invite the employee to a meeting to discuss the appeal. Where required, further investigations and/or interviews will then take place.

As with stage 1, notes of meetings will be shared with the interviewee. Both the complainant and the respondent will receive a copy of any materials used in the investigation including witness statements unless the investigating manager thinks there is a risk of intimidation or retaliation.

Both the complainant and respondent will receive a written summary of the investigating manager's conclusions and decisions.

The appeal manager will carry out any necessary further investigations and then conclude the investigation in writing to the employee. The outcome will either be:

- Appeal upheld
- Appeal partially upheld
- Appeal not upheld
- Appeal not upheld – complaint made in bad faith

As with stage 1, the appeal manager may make recommendations as an outcome to the appeal which may include agreeing with initial recommended action or making additional/different recommendations. Disciplinary action may be recommended and this may include entering the disciplinary procedure at the stage of a Hearing (i.e. with no fact finding required due to the investigation providing the facts of the case). This could be against the respondent, where the complaint has been upheld or partially upheld. It could also be a recommendation for disciplinary action against the complainant, if the investigation concludes the complaint was raised in bad faith.

The Appeal (Stage 2) will normally be completed within 28 calendar days. However, we recognise that certain circumstances may arise necessitating additional time for thorough investigation and resolution, in which case the complainant and respondent will be kept informed.

The appeal is the final stage of this process.

8.0 Advice and Support

Employees who feel that they are affected by harassment, bullying or sexual harassment can seek advice and support from:

- Their manager
- A trusted colleague
- Our Employee Assistance Program
- Trade Union representatives
- Samaritans- 24 hour counselling service, call 116 123 or visit [here](#)
- Victim support- Information and support for anyone affected by crime, call 08 08 16 89 111 or visit [here](#)
- National bullying helpline, call 0300 323 0169 or visit [here](#)

For further information about this policy, please contact the HR Team at hr@southkesteven.gov.uk.

- This policy applies to all employees within South Kesteven District Council unless stated otherwise within the policy.
- This policy does not form part of contracts of employment.
- The Council reserves the right to amend this policy from time to time.