Tendring District Council

HARASSMENT AND BULLYING POLICY

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Contents

Policy Statement 3
The Definition of Harassment 3
Types of Harassment 3
Sexual Harassment 4
The Definition of Workplace Bullying 5
Types of Workplace Bullying 5
The Effects of Workplace Bullying and Harassment 5
Applying the Harassment and Bullying Policy 6
1. **Take no immediate formal action.** 6
2. **Confide in someone, but take no action.** 6
3. **Informal route.** 7
4. **Make a formal complaint.** 8

Right of Appeal 9
Third-Party Bullying/Harassment 9
Sexual Harassment as a Protected Disclosure 10
Employee Assistance Programme 10
Further Help and Guidance 10

Harassment and Bullying Policy

Policy Statement

All employees, workers and those engaged by Tendring District Council are entitled to be treated with dignity and respect in the workplace. The Council recognises that its employees are central to its effectiveness and is committed to providing a safe, inclusive and professional environment where everyone is supported and protected from bullying, harassment and inappropriate behaviour.

Building on this commitment, and supported by the Equality Act 2010, the Worker Protection (Amendment of Equality Act 2010) Act 2023 and the Employment Rights Act 2025, the Council adopts a zero-tolerance approach to harassment, sexual harassment, bullying, discrimination and victimisation. As part of its wider commitment to supporting and protecting staff, the organisation will take appropriate steps to prevent and respond to third-party harassment, and will work in close partnership with the recognised Trade Union to uphold and promote these standards.

All employees, workers and those engaged by the Council are expected to contribute to this environment by treating others appropriately and raising concerns where behaviour falls short of these standards. Incidents of harassment, bullying or other inappropriate behaviour will not be tolerated and may result in appropriate action being taken, including disciplinary action where applicable. The Council will also seek to learn from concerns raised, strengthen preventative action and promote a culture where respectful behaviour is expected, supported and modelled at every level.

This policy covers behaviour:

- In the workplace and on Council premises.
- During work-related events, e.g. training, conferences and external meetings.
- At work-related social events.
- When working remotely.
- On digital platforms, including email, messaging applications, Microsoft Teams and social media.
- Where conduct by third parties arises in connection with work.

The Definition of Harassment

Section 26 of the Equality Act 2010 defines harassment as:

“Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.”

For the purposes of harassment under section 26 of the Equality Act 2010, the relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. Other protected characteristics under the Equality Act 2010, including pregnancy and maternity and marriage and civil partnership, may still be relevant to unlawful discrimination or related concerns, depending on the circumstances.

Types of Harassment

Harassment can take different forms, including the following:

- Direct harassment – occurs when someone is harassed because of a protected characteristic they have.

- Harassment by association – occurs when someone is harassed because they are associated with another person who has a protected characteristic.
- Perception harassment – occurs when someone is harassed because others think they have a protected characteristic, even if they do not.
- Third-party harassment – occurs when an employee or worker is harassed or bullied by someone they come into contact with through their work for the Council, but who is not employed by the Council. This may include members of the public, service users, suppliers, contractors, partner organisations or Councillors. Employees and workers are entitled to raise a concern where this occurs, and the Council will assess the risk, consider appropriate preventative steps and respond promptly and proportionately.

Sexual Harassment

Sexual harassment is defined as:

- Unwanted conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- Less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

The Council is committed to taking a proactive and supportive approach to preventing sexual harassment, rather than waiting for concerns to arise. This includes identifying and assessing risks, setting clear standards of behaviour, ensuring employees and managers understand this Policy, providing appropriate training, maintaining accessible reporting routes, responding promptly to concerns, and reviewing the effectiveness of action taken. This applies where risk may arise from colleagues, managers, elected Members, contractors, service users, customers, suppliers, members of the public or other third parties.

The Council will keep centralised, confidential records of concerns raised, where appropriate, to help identify patterns, review risk and assess whether further preventative action is required.

Examples of sexual harassment include:

Sexual harassment can occur in many forms and can take place at work, outside work, in person or online. This is not an exhaustive list.

- Physical conduct of a sexual nature, unwelcome physical contact or intimidation.
- Inappropriate comments, jokes, questions or remarks of a sexual nature.
- Repeated unwanted attention, contact or invitations where it is clear they are not welcome.
- Displaying or sharing offensive or inappropriate material, including online or through messaging platforms.
- Inappropriate conduct at work-related events, training, meetings, travel or social activities connected with work.

Anyone who experiences or witnesses sexual harassment is encouraged to raise their concern in the way that feels most appropriate for them. This may be under this Policy, the Grievance Policy or the Council's Whistleblowing Policy, depending on the circumstances. The Council will listen, treat concerns seriously, provide support and ensure reporting routes are clear, accessible and confidential where appropriate.

Where a concern about sexual harassment also meets the legal requirements for a protected disclosure, additional protections may apply. Further information is set out in the section on Sexual Harassment as a Protected Disclosure.

The Definition of Workplace Bullying

The Advisory, Conciliation and Arbitration Service (Acas) defines bullying as:

"Offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power that undermines, humiliates, denigrates or injures the recipient."

Bullying may involve a pattern of behaviour or, in some circumstances, a single serious incident. It may be obvious or less visible to others, and can occur face to face, in writing, by telephone, by email, on social media, through messaging platforms or in other work-related situations. It may involve an abuse or misuse of power, but bullying can also occur between colleagues or towards someone in a more senior role. Behaviour may amount to bullying even when the person responsible did not intend to cause harm.

Types of Workplace Bullying

Bullying may take various forms, including:

- Physical – e.g. kicking, hitting, pushing, interference with personal property.
- Verbal/psychological – e.g. threats, taunts, verbal abuse, spreading of rumours.
- Related to protected characteristic – e.g. racist, faith-based, sexist, sexual, homophobic, disability, and ageist.
- Misuse of position or authority, including repeated or deliberate behaviour that undermines, humiliates or excludes an individual without reasonable justification.
- Unreasonable, personal or repeated criticism that is not constructive, proportionate or connected to legitimate management of performance or conduct.
- Cyber – e.g. abuse on-line or via text message, interfering with electronic files, setting up or promoting inappropriate websites, inappropriate sharing of images from webcams/mobile phones. It can include sharing humiliating material, spreading rumours, or posting offensive comments.

Bullying does not include reasonable management action carried out in a fair, lawful and appropriate way, such as setting work expectations, managing performance, providing feedback, or allocating work.

The Effects of Workplace Bullying and Harassment

When an employee feels they are being subjected to bullying or harassment in the workplace, this may affect them both at work and in their personal life. Examples may include:

- Reduced productivity.
- Lack of confidence.
- Increased levels of sickness absence.
- Low morale.
- Depression.
- Lack of motivation.
- Feeling withdrawn and isolated.
- Suffering from insomnia.
- Loss of appetite.
- Suffering from stress or anxiety.
- Changes to mood.

The Rights of an Employee

As an employee or worker, you have the right to be treated with dignity and respect at work and should not be expected to tolerate behaviour that creates an offensive, intimidating or

hostile environment. If you experience or witness behaviour that concerns you, whether or not it is directed at you personally, you are encouraged to raise it so that appropriate support and action can be considered. You do not need to possess any of the relevant protected characteristics listed in this Policy in order to raise a complaint.

This right to raise concerns also includes bullying or harassment by a third party you come into contact with while carrying out your work for the Council, such as a customer, service user, supplier, contractor, Councillor or member of the public. You do not need to show that previous incidents have occurred before raising a concern. The Council will respond promptly and proportionately by assessing the risk, considering appropriate preventative action and taking steps to support and protect you.

Whether behaviour is unwanted will depend on how it is experienced by the person affected. People may respond differently to the same behaviour, and conduct that one person finds acceptable may be offensive or distressing to another. The right not to be bullied or harassed at work applies to all staff, including temporary staff, casual workers and contractors. Certain forms of bullying or harassment may also amount to unlawful discrimination where they relate to a protected characteristic.

If you are unsure about anything in this Policy, or would like advice before deciding what to do, you can speak to your Manager, Trade Union Representative or a member of the People Team. Where a concern relates to sexual harassment and meets the legal requirements for a protected disclosure, you may also choose to raise it under the Council's Whistleblowing Policy.

Applying the Harassment and Bullying Policy

If you are concerned about behaviour or conduct you experience or witness while carrying out your work for the Council, you are encouraged to seek advice at an early stage and consider the option that feels most appropriate for your circumstances. The Council will listen to concerns, treat them seriously and sensitively, and support you to understand the routes available. You do not need to deal with the matter alone.

Managers are expected to act promptly where concerns are raised or where inappropriate behaviour is observed, including by seeking advice, taking proportionate early action and helping to prevent concerns from escalating.

The following options are available. In some cases, concerns can be resolved informally and quickly; in others, the seriousness of the matter or the risk to those affected may mean that a formal route is more appropriate.

1. Take no immediate formal action.

You may decide that you do not want to take any action at this stage. If so, it is still helpful to keep a brief note of what happened, including the date, time, location, those involved and whether anyone else was present. This can support you if the behaviour continues or if you decide to raise the matter later.

2. Confide in someone, but take no action.

If you feel you are experiencing unwanted or unacceptable behaviour, it may help to talk the situation through with someone you trust, such as your Manager, a colleague, Trade Union Representative or a member of the People Team. At this stage, you do

not need to make a formal complaint, and you can ask for the discussion to remain confidential where appropriate.

Confidentiality will be respected wherever possible, but there may be circumstances where the Council needs to take action to protect those affected, comply with legal duties or address a serious risk.

The People Team can provide confidential advice and support and help you consider your options, including whether informal resolution, mediation, a formal complaint or another policy route may be appropriate. Any member of staff you approach within the Council will listen to your concerns and help you think about the most suitable next step.

You can also access support through the Council's Employee Assistance Provider or seek guidance under the Council's Whistleblowing Policy where appropriate.

Where an allegation is very serious, or where there is an immediate or foreseeable risk to safety, dignity or wellbeing, the Council may need to take prompt action to support and protect those affected. This may include temporary or preventative measures while the matter is considered. If this is necessary, you will be consulted and advised of the proposed course of action wherever it is appropriate and safe to do so.

3. Informal route.

You may choose to explain to the person concerned that their behaviour is causing you concern and that you would like it to stop. If speaking face to face feels difficult, the matter may be raised by telephone, email or letter. This can sometimes help address behaviour at an early stage where it is safe and appropriate to do so.

If you choose to approach the person directly, you may wish to think in advance about what you want to say and whether you would feel more comfortable being accompanied by a colleague. It can be helpful to explain what behaviour has caused concern, how it has affected you and that you do not want it to continue.

The person you approach may not be aware of the impact their behaviour has had and may be willing to apologise or put things right. You should keep a brief written note of the conversation and any agreed outcome.

Alternatively, you may ask someone else to speak to the person on your behalf. This does not constitute formal action and may feel more appropriate where the person speaking on your behalf is a member of the People Team or your Manager. A note of any agreed outcome may be kept where this is helpful or where you ask for this to happen.

The People Team or your Manager may also suggest mediation where this is suitable. Mediation is voluntary and confidential. It involves an independent and impartial person helping those involved to explore whether a mutually acceptable resolution can be reached. The mediator does not decide who is right or wrong, or tell those involved what to do; their role is to manage the process of seeking to resolve the matter, not the outcome.

Mediators may be trained Council employees or external mediators who are independent of the matter.

If the behaviour stops after the informal route has been followed, you should seek to maintain a professional working relationship with the person concerned. If the behaviour continues, or if the matter is too serious or sensitive to resolve informally, you can make a formal complaint.

4. Make a formal complaint.

Where you feel you have been subjected to bullying or harassment, you may make a formal complaint. This may be appropriate where informal steps have not resolved the matter, where you do not feel comfortable using an informal route, or where the concern is serious. *You do not have to go through Steps 2 and 3 before making a formal complaint.*

When making a formal complaint, you should set out the details in writing, including dates, times, locations, those involved, any witnesses and an account of the behaviour you believe amounts to bullying or harassment. You should include as much detail as you can remember, together with any actions you have taken to try to resolve the matter and anyone you have spoken to for advice or support.

You are encouraged to raise a formal complaint as soon as you feel able to do so. If some time has passed since the most recent incident, the Council will still consider the matter seriously and sensitively. Your written complaint should be submitted to one of the following:

- Your Supervisor/Manager.
- Head of Service, if your Manager was involved.
- Corporate Director/Management Team member, if your Head of Service was involved.
- Head of People.
- A Trade Union Representative may support you in preparing or submitting your complaint.

Any of these people will be able to provide information, advice and support before and during the process.

Once a complaint has been made, the Council will consider the most appropriate way to look into the matter. Where a formal investigation is required, it will be carried out promptly, fairly and sensitively, with support from a member of the People Team.

Because bullying and harassment concerns can be sensitive, any investigation will be handled within the following framework:

- Prompt, thorough and impartial investigations, with due regard to the rights of both the complainant and the person the complaint is about.
- A competent and appropriately trained investigator, with suitable support from the People Team where required.
- Investigators who are not connected with the allegation.
- The right to be accompanied at formal meetings, and discretion to allow accompaniment at other meetings where appropriate.
- All parties to be treated with respect and fairness at all times.
- Clear details of the complaint.
- Clear timescales for the process, with updates if those timescales need to change.
- A commitment to confidentiality for everyone involved, including witnesses.
- No victimisation or detriment for raising a concern, supporting a complaint or acting as a witness.

- Further information and advice on investigating a grievance can be found in the Council's Grievance Policy.

On conclusion of the investigation, a report of the findings will be submitted to the Head of People for review.

Where the Head of People has had prior involvement in the matter, is the subject of the complaint, or where there is any other conflict of interest, the matter will be referred to an appropriate senior officer who is independent of the complaint.

Upon receipt of the investigation report, the Head of People, or other appropriate senior officer where required, will arrange a formal meeting with the individual who has raised the complaint to discuss the findings. This will provide an opportunity to ask questions and consider the information gathered during the investigation. The Head of People, or other appropriate senior officer where required, will then decide the outcome, including whether the complaint is upheld and what action, if any, should be taken. This will take account of the seriousness of the behaviour, the impact on the individual, the evidence available, any relevant risk to others and the need to act consistently and fairly. Action could include an undertaking that the behaviour will stop, an apology, awareness training, mediation where appropriate, management action, preventative steps or formal disciplinary action. A written record will be kept.

The outcome of the case review will be confirmed in writing within 10 working days of the meeting wherever possible. The person the complaint has been made about will also be notified of the outcome, taking account of confidentiality and data protection requirements.

Following the formal meeting, the Head of People may conclude that the matter should be considered under the Council's Disciplinary Policy Rules and Procedure. Where formal disciplinary action is appropriate, that procedure will be followed. The matter will not necessarily require further investigation if the relevant facts have already been established. If the matter proceeds to a disciplinary hearing, the investigating officer will normally be the presenting officer at the hearing. Serious bullying or harassment may be classified as gross misconduct.

You do not have a right of appeal against any decision affecting the person the complaint has been made about following the disciplinary process. In such circumstances, you may be advised of the outcome only to the extent appropriate, taking account of confidentiality, data protection requirements and the rights of the individual concerned.

Right of Appeal

If you are not satisfied with the outcome or the way the process was handled, you have the right to appeal. You must submit your appeal in writing within 10 working days. You should refer to the Appeals Procedure for further information. The decision of the Appeal Panel will be final.

Third-Party Bullying/Harassment

Employees and workers should report third-party bullying or harassment to their line manager, senior manager or the People Team as soon as possible, using the procedure set out above. The Council will treat these concerns seriously, provide advice and support on the next steps, consider whether immediate protective measures are required, and record and monitor incidents where appropriate.

Preventative measures may include assessing risks in public-facing or lone-working roles, setting clear expectations for acceptable behaviour, briefing employees and managers, using signage or written standards for service users and contractors, recording and monitoring incidents, reviewing working arrangements and taking prompt action where concerns are raised.

Any action taken will be proportionate to the circumstances, informed by an assessment of risk, and will take account of the Council's legal duties, service responsibilities, contractual arrangements and the need to support and protect employees and workers.

Where third-party harassment occurs, or where there is a foreseeable risk of it occurring, the Council may take action such as:

- Issuing warnings or behavioural agreements.
- Limiting or withdrawing access to Council services or premises.
- Ending contracts or service arrangements.
- Referring matters to the police where appropriate.

The Council is committed to ensuring employees and workers are not discouraged from using this procedure or from raising concerns under any relevant policy. No employee or worker will be victimised or subjected to detriment for bringing a complaint, supporting a complaint, acting as a witness, or making a protected disclosure. If, however, it is concluded that a complaint is both untrue and has been brought maliciously or in bad faith, disciplinary action may be taken.

Sexual Harassment as a Protected Disclosure

A disclosure about sexual harassment may qualify as a protected disclosure under the UK whistleblowing framework, where the legal requirements for a protected disclosure are met. The Employment Rights Act 2025 updates section 43B of the Employment Rights Act 1996 so that sexual harassment can fall within the definition.

To qualify for whistleblowing protection, the worker must reasonably believe that the disclosure is made in the public interest and meets the legal requirements for a protected disclosure.

This means that employees and workers who make qualifying disclosures about sexual harassment, whether directed at themselves or others, may be protected from detriment and, where applicable, unfair dismissal. These protections may apply where sexual harassment has happened, is happening or is likely to happen. The Council will not use confidentiality wording, settlement terms or other agreements to prevent a worker from making a protected disclosure or raising concerns about harassment, discrimination or victimisation where they are legally entitled to do so.

Employee Assistance Programme

Further support is available through the Council's Employee Assistance Programme (EAP), which provides a confidential 24-hour telephone counselling service.

Further Help and Guidance

For further help and guidance, the following points of contact may be useful:

Internal Contacts

Marcia Fuller – Head of People
Room 115 Town Hall
Tel: (01255) 686316
mfuller@tendringdc.gov.uk

Unison Local Branch
Telephone numbers of Unison Representatives can be found on the Council's Intranet:
https://www.tedtdc.co.uk/unison

External Contacts

Citizens Advice Bureau
There are Citizens Advice Bureau offices throughout Tendring, including Walton, Clacton, Harwich and Manningtree. Contact details can be found at www.citizensadvice.org.uk.

Equality and Human Rights Commission
www.equalityhumanrights.com

Acas (Advisory, Conciliation and Arbitration Service)
Helpline: 0300 123 1100
www.acas.org.uk

For further guidance or advice regarding this Policy, please contact the People Team.