

SUTTON WEAVER PARISH COUNCIL

ZERO TOLERANCE/VEXATIOUS POLICY

1. STATEMENT OF INTENT

Sutton Weaver Parish Council is an equal opportunities employer, committed to treating employees and councillors in a fair and equitable manner, with dignity and respect, within a working environment free from all forms of bullying, harassment and aggression. For the purpose of this policy the term employee will also refer to volunteers including Councillors and their involvement with the Parish Council. The Council acknowledges that in the day to day delivery of services, the clerk and councillors can be confronted by aggressive or violent behaviour by members of the public. Whilst acknowledging that such eventualities may arise, the Council affirms that such behaviour is wholly unacceptable. Specifically, the Council is not prepared to tolerate:

- Verbal abuse of or threats to its Clerk/Councillors or employees either during or out of working hours arising from their involvement with the Council.
- Verbal or physical harassment of its Clerk/Councillors or employees either during or out of working hours arising from their involvement with the Council.
- Physical, racial or sexual assault upon employees by members of the public, either during or out of working hours arising from their employment or involvement with the Council.
- Attacks on or damage to the property of Clerk/Councillors arising from or in conjunction with Clerk/councillors carrying out their duties.
- Violent or threatening behaviour towards the clerk or councillors in the workplace arising from matters extraneous to service delivery.

The Council will consider legal action as appropriate against any member of the public who abuses the Clerk, Councillor or employees of this Council in terms of the contents of this Policy.

Where the clerk or councillors are subject to violence/threat of violence or aggression they will be provided with appropriate personal support.

2. SCOPE OF POLICY

Everyone involved in working or representing Sutton Weaver Parish Council will be covered by this Policy. It is acknowledged, however, that different individuals are subject to different levels of risk and that additional guidelines may require to be produced on an individual basis. This Policy will support the Councils Code of Conduct for Councillors.

3. DEFINITIONS

We use the following definitions:

- Violence - 'Any incident where employees are abused, threatened or assaulted in circumstances related to their work, involving an explicit or implicit challenge to their safety, well-being or health. It can be seen from this definition that as well as physical assault and battery, "violence" includes behaviours such as harassment and bullying, an additional indication of their seriousness'.
- Harassment - 'Any conduct based on age, sex, sexual orientation, gender assignment, disability, HIV status, race, colour, language, religion, political, trade union or other opinion or belief, national or social origin, associated with a minority group, domestic circumstances, property, birth or other status, which is not reciprocated or wanted and which affects the dignity of men and women at work'.
- Racial Harassment - 'Unwanted, unwelcome and offensive conduct of a racial nature, or other conduct based on race, which affects the dignity of men and women at work'.
- Sexual Harassment - 'Unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of women and men at work. This can include unwelcome physical, verbal or nonverbal conduct'.
- Verbal Abuse - 'Any verbal abuse issued with the intent of creating fear or intimidation to another individual, or group of individuals, or verbal remarks or comments expressed in a loud, harsh or threatening tone of voice or in an inappropriate joking manner within the workplace'.

- Physical Abuse - 'Any intentional movement of the body which may include touching, gesturing, pushing, striking, stalking, any unwanted intrusion of "reasonable space" of an employee or any intentional use of any object towards an individual'.
- Hostile Working Environment - 'Any intentional non-physical action that can be considered intimidating or harassing with the intent of creating an environment that has a purpose or effect of unreasonably interfering with an employee carrying out their duties'.

4. PREVENTING VIOLENCE

All employers have a legal duty in terms of the Health and Safety at Work, etc. Act 1974 to ensure, so far as it is reasonably practicable, the health, safety and welfare at work of their employees.

5. INCIDENTS

It is very difficult to provide a comprehensive description of all types of incidents, which are covered under a non-physical assault policy. However, examples of the types of behaviour are summarised below, although the list is not exhaustive:

- Offensive language, verbal abuse and swearing, which prevents employees from doing their job or makes them feel unsafe
- Loud and intrusive conversation
- Unwanted or abusive remarks
- Negative, malicious or stereotypical comments
- Deliberate invasion of personal space
- Brandishing of objects or weapons
- Near misses i.e. unsuccessful physical assault
- Offensive gestures
- Threats or risk of serious injury to a member of employees or visitors
- Intimidation
- Stalking
- Spitting
- Alcohol or drug fuelled abuse
- Unreasonable behaviour and non-cooperation
- Any of the above, which is linked to destruction of or damage to property.

6. WHAT THE LAW SAYS

We are aware that violence and aggression, is unlawful in many circumstances. The following statutes apply:

- The Health and Safety at Work Act (1974), which requires all organisations to ensure, so far as reasonably practicable, the health, safety and welfare at work of its employees.
- Sexual harassment, and the victimisation of anyone making a complaint of sexual harassment, may amount to discrimination under The Sex Discrimination Act (1975).
- Racial harassment, and the victimisation of anyone making a complaint of racial harassment, may amount to discrimination under The Race Relations Act 9 (1976).
- Harassment on the grounds of impairment, and the victimisation of anyone making a complaint of harassment on the grounds of impairment, may amount to discrimination under The Disability Discrimination Act (1995).
- Under The Criminal Justice and Public Order Act (1994) and The Protection from Harassment Act (1997), harassment, including racial harassment, is also a criminal offence. Wherever necessary we will report the matter to the local police.
- The Race Relations (Amendment) Act (2000) imposes a duty on us to monitor incidents of harassment by racial groups.

7. EMPLOYEE RIGHTS

First and foremost, the Clerk/Councillors or employees at all levels have the right not to be attacked or intimidated whilst undertaking the work of the Parish Council. You have the right to decide what is

inappropriate and unacceptable. You have the right to expect that any concern or incident is taken seriously and dealt with quickly and effectively.

8. EMPLOYERS RESPONSE

The Council have overall responsibility for ensuring that this policy and any accompanying procedures are implemented effectively and for ensuring that levels of violence, aggression and abuse are reduced and ultimately eradicated. All Parish Council representatives will be briefed about the Zero Tolerance stance, with the aim of making everyone clear that they have a responsibility for preventing violence, aggression and abuse from arising. Training will be made available should any issues arise.

9. SUPPORT FOLLOWING INCIDENTS

We recognise that violence, aggression and abuse at work is distressing and damaging to the health and wellbeing of those involved. Support and assistance will therefore be made available to anyone affected. Support provided to those involved will include:

- Support related to the physical and emotional effects of violence, aggression and abuse
- Advice on managing conflict in future
- Support in any formal procedure

10. REPORTING AND MONITORING

The Council will record any reports of violence, aggression and abuse during representing the Parish Council.

Data will be collected on the number of incidents occurring, which will include date and type of incident, service area related and those including police response. Records will also be retained to include personal details of the perpetrators of the incidents.

It will be the responsibility of the clerk and councillors to assist in the prevention of work place violence, aggression and abuse. Early reporting of dangerous or potentially dangerous incidents will facilitate an effective investigation and response by the Council. To ensure that we are fully aware of all or any instances of work place violence, every employee must report events as soon as is reasonably practicable in line with Council procedures. Employees should, in the first instance, report to the Clerk any threats or acts of violence, aggression and abuse, which they experience, witness or become aware of.

Adopted on 04.07.23