

Opposition Leader to Leader Question at Council **Does Oldham have a zero tolerance approach to sexual harassment?**

In short the answer is yes, as this brief now depicts. The infrastructure to support this is not new. It is embedded across the council and both the approach and inclusive culture this fosters is summarised below.

Background

The council is committed to tackling all forms of harassment, including but not exclusively, sexual harassment. We observe fully the requirement to have robust standards and procedures in place to properly and swiftly deal with any such allegations.

By living and demonstrating our values and behaviours we can expect all staff to contribute proactively to the creation of a working environment in which everyone is treated with dignity, courtesy and respect and whereby inappropriate behaviour is challenged.

The council's constitutionally approved employee code of conduct underpins these values and specifies the expected standards of behaviour required by employees, for example, all staff, including Agency personnel and any contractors engaged by us are required:

- to behave in a way which would not undermine trust and confidence in you or which is contrary to the council's expected values and behaviours; and
- to treat colleagues and the public in a fair and equitable way; avoiding unfair discrimination in any form and anything which would demean, distress or offend other people.

Likewise the code is clear that any deliberate act of discrimination or other serious breach of the Equality and Diversity Policy by employees may be considered as an act of gross misconduct and may result in disciplinary action, possibly leading to dismissal. Equally, the council's Disciplinary Policy is supported by express examples of what would constitute gross misconduct and harassment and associated acts feature heavily in this also.

The Approach

1. Employees routes to raising the complaint

- **Whistleblowing** - Employees may raise concerns where they have reason to believe that a fellow employee is in breach of the Code of Conduct. Complaints can be made in writing or by phoning or meeting a member of the Internal Audit and Counter Fraud Team or one of the Appropriate Officers (Director of Legal Services (Monitoring Officer), Head of Corporate Governance, Director of People, Director of Finance, Chief Executive).
- **Grievance process** – an employee raising a grievance is the more likely route and there is a separate section within this procedure for managing grievances of a sensitive nature which may require special treatment; this includes harassment where employees may not feel able to voice their concerns to their own line manager. Indeed, an employee's grievance may relate to allegations about his or her own line manager. In such cases the employee should contact an appropriate alternative independent manager directly or via the HR Advisory service. This procedure also sets tight timescales which support the complainant/aggrieved person with expedient resolution.

2. Council process for dealing with the complaint or grievance

- **The victim's wishes** will drive how the matter will be dealt with i.e. formally or informally in the first instance and how they would wish the matter to be resolved. This may involve an informal discussion with the alleged perpetrator to make them aware that their behaviour is causing offence, mediation between the parties or a full investigation. However, to support a rigorous approach, the actions arising are also very much influenced by the nature or apparent severity of any alleged transgression
- **Investigation into the grievance** – will always be conducted by an impartial manager, if need be, from a different service. Where evidence is found to substantiate an allegation of harassment this may lead, as above, to the formal disciplinary process being invoked. During the investigation the alleged harasser may be moved to another work area or suspended if the allegations are considered sufficiently serious.
- **For reassurance**, harassment if proven is considered by the council to be potential gross misconduct which could result in the summary dismissal of the employee.

Support available for the employee

- **The Employee Assistance Programme** – this is the confidential support service offered by the council to its employees and to Members which includes counselling and post trauma support. In addition, where recommended by the service (or those undertaking any enquiry or investigation), the council will make a more enhanced package of psychological support available.
- **The employee's direct line manager** would be advised and expected to support the employee unless they are involved in the investigation or disciplinary process or the employee would prefer someone else such as an appropriate alternative colleague or manager.
- **The HR Advisory service** will advise on appropriate measures that maybe put in place to provide practical support and which could include a workplace or stress risk assessment, temporary re-location of the harasser or closer supervision whilst the matter is concluded.
- **Where the employee is a member of a trade union** they will be encouraged to seek support throughout the process from their union. Many unions also have access to additional specialist support available to their members.

Malicious claims

The position is laid out within the disciplinary, grievance and whistleblowing policies i.e. should an employee make an allegation in the public interest and reasonably believe it to be true, but it is not confirmed by the investigation, no action will be taken against the employee.

If, however, an employee makes malicious or frivolous allegations, or repeated allegations which have no foundation, disciplinary action will be taken against the employee.

External reporting

Internally employees are able to raise their concerns via a number of routes including directly to their line manager, a more senior manager, the HR Advisory service and/or People Services Business Partners or to a number of more senior officers detailed under the

Whistleblowing policy. In addition employees who live within Oldham can raise issues via their local councillor. Given the number of cases and the above diverse options of formal routes an employee can use, it is not considered that an additional external reporting process would add value and may serve only to intimidate some complainants. On the other hand, if either at an advanced stage of complaint or grievance or one which may allegedly involve the most senior officials, regard would be had to independence if it was considered that an internal investigator could not offer this. Where the employment conditions of the most senior staff specify independence in respect of (for instance) disciplinary inquiries, these too will be observed in full.

Where the harassment is by a non – employee

There may be occurrences where harassment emanates from people from outside of the council. In such instances, appropriate action would depend on circumstances but may include:

- Taking appropriate steps to mitigate risk and protect the employee or Member by whatever appropriate and proportionate means. This may involve making reasonable adjustments to their working or allied arrangements at least for a specified time subject to review
- 'Remove' the person from potential harm's way or arrange for them to be accompanied by a colleague if contact will be for a limited period
- Act on the persons' behalf by intervening, by warning the alleged harasser or by complaining to (say) their employing organisation about their behaviour
- Dependent on level of severity, engage with police or, at a lower level, Community Safety colleagues to speak to or warn the perpetrator
- Where the employee normally works alone, follow the guidance within the Lone Working policy to undertake appropriate risk assessments and provide additional support/training to the employee on how to avoid or deal with harassment should it occur
- In extreme cases, consult the Multi Agency Safeguarding (MASH) Team for their expert advice and, if needed, their intervention
- Offering all the support services, such as Employee Assistance etc as would be available if the perpetrator were an employee of the council.