



Wells City Council

Councillor Discrimination, Bullying and Harassment Policy

Document No.18

Purpose	Guidance to Councillors in the event of discrimination, bullying or harassment is experienced
Additional Papers	To be read in conjunction with the Safeguarding policy. Staff references of the same subject are contained within the Staff handbook.
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COUNCILLOR DISCRIMINATION, BULLYING AND HARASSMENT

POLICY

This policy should be read in conjunction with the Councils Safeguarding Policy as well as the Councillor Code of Conduct, which reference the duties of Councillors. This policy provides clarity of the Councils obligations in supporting Councillors should instances of Discrimination, Bullying or Harassment occur towards them.

Staff processes on the same subjects are contained within the staff handbook.

1.1 Discrimination

No councillor should be discriminate against or harassed by other people, including current and former employees, councillors, customers, suppliers and visitors. This applies in Council meetings and when attending to Council business.

The following forms of discrimination are prohibited under this policy and are considered unlawful:

- Direct discrimination – when someone is treated less favourably than another person because of a Protected Characteristic.
- Associative discrimination or discrimination by association – direct discrimination against someone because they associate with another person who possesses a Protected Characteristic.
- Discrimination by perception – direct discrimination against someone because it is thought that they possess a particular Protected Characteristic even if they do not actually possess it.
- Indirect discrimination - occurs where an individual's employment is subject to an unjustified provision criterion or practice which e.g. one sex or race or nationality or age group finds more difficult to meet, although on the face of it the provision, criterion or practice is 'neutral'.
- Harassment – 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. You may complain of such offensive behaviour even if it is not directed towards you personally.
- Victimisation – when a councillor is treated less favourably because they have made or supported a complaint or raised a grievance about unlawful discrimination or are suspected of doing so.
- Disability discrimination: this includes direct and indirect discrimination, any unjustified unfavourable treatment because of something arising in consequence of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

1.2 Bullying and Harassment

We are committed to providing a working environment free from harassment and bullying and ensuring all Councillors are treated, and treat others, with dignity and respect. This includes harassment or bullying which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions, council meetings and external visits.

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to a Protected Characteristic. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include (this is a non-exhaustive list), for example:

- (a) unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- (b) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- (c) offensive e-mails, text messages or social media content;
- (d) mocking, mimicking or belittling a person's disability.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed verbally which can create an offensive environment.

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include (this is a non-exhaustive list), by way of example:

- (a) physical or psychological threats;
- (b) overbearing and intimidating levels of supervision;
- (c) inappropriate derogatory remarks about someone's performance;

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

1.3 Procedure

As a Councillor of Wells City Council, if you feel you are experiencing Discrimination, Bullying or Harassment, you should consider whether you feel able to raise the problem informally with the person responsible.

You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable.

If this is too difficult or embarrassing, you should speak to the Town Clerk, who can provide confidential advice and assistance in resolving the issue formally or informally.

If informal steps are not appropriate, or have not been successful, you should raise the matter formally to the Town Clerk in writing, referencing the specific situations that have occurred with as much evidence as possible, to allow a formal investigation to take place.

The Town Clerk will investigate complaints in a timely and confidential manner. In the event that the matter(s) involve the Town Clerk in any way, the investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible.

Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. We will consider whether any steps are necessary to manage any ongoing relationship between you and the person accused during the investigation.

Once the investigation is complete, the Town Clerk or investigating officer will deploy necessary actions. This could be via a number of council protocols, for example managing vexatious complainants through the complaints policy, or seeking more formal legal advice in support of a resolution.

If we consider you have been harassed or bullied by an employee the matter will be dealt with under the Disciplinary Procedure as a case of possible misconduct or gross misconduct.

If the harasser or bully is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem. Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned.

Councillors who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the Councillor Code of Conduct.

Information about a complaint will be retained by the Town Clerk securely, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

Disabilities

If you are disabled or become disabled, you are encouraged you to share this information with the Town Clerk so that we can support you as appropriate.

If you experience difficulties at meetings or within your duties as a councillor because of your disability, we request that you discuss these with the clerk so that any necessary reasonable adjustments can be made that would help overcome or minimise the difficulty. Your line manager may wish to consult with you and your medical adviser about possible adjustments. We will consider the matter carefully and try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable, we will explain our reasons and try to find an alternative solution where possible.

We will monitor the physical features of our premises to consider whether they might place anyone with a disability at a substantial disadvantage. Where necessary, we will take reasonable steps to improve access.

Related Policies

This policy is supported by the following other policies and procedures such as the Staff Handbook and the Councillors Code of Conduct.