

**Policy**

**Third Party Harassment & Abuse Policy**

Consulted with recognised trade unions – 10/06/22

Adopted by School following consultation process on –

Scope

This policy applies to all employees of the Council or School including agency and casual staff.

Purpose

This policy is intended to outline the Council’s approach to tackling incidents of third-party abuse against employees, including harassment and bullying.

Policy Aims

We have a zero-tolerance approach to any incident involving harassment or abuse against our employees. Any form of abuse is unacceptable, and the Council/School is committed to taking the strongest possible action to tackle any incidents and protect employees.

At no point are employees expected to tolerate 3rd party abuse and harassment and everyone is encouraged to report any abuse immediately through the appropriate reporting channels.

What is meant by zero tolerance?

Instances of harassment or abuse towards our employees are unacceptable and will not be tolerated. All such incidents or potential incidents will be taken seriously by CCC/the School and its employees/governors.

The County Council has legal duties to protect the health and safety of our workforce.

A statement regarding the Council’s policy of zero tolerance of harassment aimed at our workforce, or any other third party on CCC premises, or whilst working in the community, will be displayed within CCC premises/Schools and made widely available.

CCC/the School will work with other agencies to raise awareness of such incidents, where appropriate, and work to ensure that our workforce are aware of how to raise concerns, use reporting and seek support in such circumstances.

Third party abuse or harassment can have a severe impact on employees and can lead to feelings of anxiety or fear both in and out of the workplace as well as undermine an individual’s self-confidence. This in turn can lead to a wide range of issues including physical and/or mental health problems, and in some cases result in staff leaving their role.

The Council/School is responsible for ensuring that the working environment for employees is one in which all employees are treated with respect, and any abuse or harassment by third parties is not tolerated. ‘Third party’ means someone that employees interact with as part of their role but who are not employed by the Council or School, for example service users, contractors, members of the public and anyone else we are connected to or do business with. Where third party abuse or harassment takes place outside the working environment the Council/School is responsible for ensuring relevant reporting takes place and that employees are fully supported at such times.

All employees have the right to work in a safe environment where they are protected from abuse or harassment. The Council/School has a responsibility to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all staff, in line with the Health and Safety at Work Act (1974).

We will ensure the safety, protection and welfare of our staff at all times by:

* Reducing the risk of harassment or abuse of employees
* Making sure arrangements are in place to assess the risk of harassment or abuse against our employees
* Making sure managers understand their responsibilities to take action to prevent abusive incident or harassment
* Taking appropriate action against the third party who perpetrated the harassment or abuse
* Providing appropriate training and information for employees
* Making sure our management standards are applied consistently
* Making sure employees are aware of their responsibilities
* Providing appropriate support to employees following an abusive or harassment incident
* Maintaining robust recording and management systems for all abuse or harassment incidents
* Ensure employees who have experienced or witnessed incidents are included in decision making of what course of action is to be taken to protect them.
* Making sure employees who have experienced or witnessed incidents feel able to report them and have the matter treated seriously and dealt with effectively

What is Third Party Abuse or Harassment

The policy covers any kind of unwanted behaviour from third parties that humiliates, victimises, or threatens any of our employees, for example:

* Verbal and physical abuse
* Racial slurs
* Sexual advances
* Violence or threat of violence
* Facial expressions or mimicry
* Aggressive behaviour (shouting, use of foul or threatening language)
* Intimidation
* Discrimination
* Bullying
* Harassment
* Imagery or graffiti
* Jokes or banter
* Acts affecting a person’s surroundings
* Physical behaviour towards a person or their property

The definition of work-related violence is recognised as being any incident, in which a person is abused, threatened or assaulted in circumstances relating to their work, involving an explicit or implicit challenge to their safety, wellbeing or health. **This can include verbal abuse or threats as well as physical attacks.**

Abuse or harassment can take place online (including social media), in writing face to face or over the phone. Potential entrapment would also fall under this policy. This list is not exhaustive.

[Further details around types of harassment can be found at Appendix 1](#Appendix1)

In line with the Equalities Act 2010, ‘Harassment’ also has a specific legal definition which is included as part of the Equality section. Any incidents of abuse involving other Council/School employees should be dealt with through the Bullying and Harassment Procedure. The [Unreasonable Customer Policy](https://cumbria.gov.uk/eLibrary/Content/Internet/536/6357/42766152553.pdf) is in place to guide employees in how to manage third parties who behave unreasonably when complaining about Council services.

Roles and Responsibilities

**Why report and record?**

**All employees have a responsibility to report incidents of 3rd party abuse and harassment – this can be as simple as informing your line manager who will then complete the relevant steps to report the incident to Health & Safety.**

Reporting and recording certain types of incidents are legal requirements. Taking the time to report and outline the facts means that those who need to take action e.g Police or your Line Manager can investigate the facts of the incidents effectively with your help. Ultimately investigation identifies where and how risks arise and whether further actions need to be taken to prevent such incidents happening again.

Information on accidents, incidents and ill health can be used as an aid to risk assessment, helping to develop solutions to potential risks. Records also help to prevent injuries and ill health, and control costs from accidental loss.

It is understood that in some service areas third party abuse or harassment can be common, employees can become ‘desensitised’ to it, and it can be viewed as ‘part of the job’ however abuse and harassment is unacceptable and should be reported so that appropriate action can be taken.

**Organisation Responsibilities**

The Council has a legal responsibility to provide employees with adequate health and safety information, induction, and training to address and/or manage foreseeable risks associated with their work and the environment they work in. There are several training options available including:

* Personal safety e-learning
* De-escalation / restraint training (team teach) for employees who work in Residential Units or Schools

Contact the Organisational Development and Workforce Training Team for more information about the training options available.

### Manager Responsibilities:

* Ensuring risk assessments are developed and completed in consultation with employees to determine whether any measures can be put in place to avoid or reduce the risk of harassment or abuse happening. Risk assessments must be recorded and regularly reviewed, for example when there has been a significant change to the work activity, workplace, following an incident or where there is new information.
* Employees may not always feel comfortable reporting abuse or harassment, disclosures can be made in a range of settings such as one to ones, supervision, sickness or return to work meetings and can be made to an alternative manager or through support of colleagues and TUs.
* Listening and supporting the victims of abuse or harassment without judgement
* Ensuring that employees are trained and aware of how to keep themselves safe in the workplace, how to close down conversations where there is a risk of abuse and/or entrapment and that they are aware of existing guidance to support them – a list of associated policies can be found at [appendix 2](#Appendix2)**.**
* Ensure victims of abuse or harassment are included in decision making about course of action to address the abuse/harassment.
* Ensuring effective regular and effective reporting of abusive incidents or harassment through the CCC Incident reporting system to allow the Health and Safety team to monitor incidents and ensure that Senior Management Teams have oversight over numbers, types and frequency of abusive incidents and harassment in their areas of responsibility.
* Responding robustly to investigate any incidents of abuse or harassment by third parties, ensuring this is reported to Health and Safety using the CCC incident reporting portal [ESafety](https://genohsisportal.cumbria.gov.uk/Portal/login.aspx).
* Keeping employee informed on the progress of their report.
* Refer employee to Occupational Health (with employees’ agreement) [Occupational Health Portal](https://www.cumbria.gov.uk/hr/Attendanceandwellbeingochealth.asp) (Schools should contact their Occupational Health provider).
* Schools can submit incidents via the electronic accident incident form available on the Schools Portal.

### Employees Responsibilities:

* Taking reasonable care of themselves and others who may be impacted by their actions
* Following any safe working arrangements relevant to their roles
* Dynamically assessing risks where appropriate (e.g. at a home visit)
* Attending any relevant training provided
* Reporting all incidents of violence, abuse and harassment to their manager following any local procedures. Your manager will then complete the electronic incident form.
* Discussing any concerns regarding identified risks of violence, abuse or harassment with their manager or other manager, team member, TU if the employee has concerns about reporting to their line manager.

**In Schools, should the Headteacher experience third party abuse or harassment they should report this to the Chair of Governors who will undertake the ‘Manager’ steps of the process.**

### Social Media

It is recognised that social media is often used in order to abuse or harass others including Council/School employees. The Council’s [Social Media Policy](https://www.intouch.ccc/elibrary/content/intranet/536/2566/17332/4315211302.pdf) provides guidance in relation to employees who may post on social media which includes responding to posts made by third parties.

Responding to an Incident

Below is an overview of the steps to respond to an incident. More detailed information on risk assessment and incident reporting can be found in the relevant CCC Safety Procedures accessible here - [Corporate Health and Safety policies and procedures : Cumbria County Council (intouch.ccc)](https://www.intouch.ccc/healthsafety/policies.asp). For Schools please see the relevant pages on the Schools Portal.

1. If anyone believes they or others are in immediate danger steps need to be taken to protect the individual and anyone else at risk, including calling the Police (999).
2. If the employee’s Manager was not present at the incident the employee must contact their Manager (or managers’ line manager if they are unavailable) as soon as it is safe to do so.
3. The Manager must have a debrief with the employee and complete the CCC Accident/Incident Form and submit it to the Health and Safety Team through E-Safety Portal along with any witness statements. If the incident/s are connected to protected characteristics, the seriousness and specific impact should be recognised by managers and also recorded on the form.
4. The Manager should also contact the Police (if not previously contacted) where there has been use or threat of violence, hate incident or crime and targeted harassment (i.e. happened more than once) and the employee consents to their involvement. If the incident could be classified as a hate incident or hate crime, and the employee is uncomfortable reporting it directly to the Police, they may wish to report this via [True Vision](https://www.report-it.org.uk/) (<https://www.report-it.org.uk/> ). This is a national police scheme to help victims report hate crimes and also where to go for support.

### Post Incident steps for Managers

Managers should be led by the employee’s perception as the victim of abuse or harassment. Managers should take every incident seriously and the distress to the staff member should be taken seriously. The below are steps for Managers to take as soon as possible following an abusive incident.

* Meet with the employee/s to discuss the incident and offer support.
* Consult Safety Procedure No.6 Recording, Reporting & Investigation of Adverse Events (Accidents & Incidents) for guidance on the steps that must be taken to ensure a thorough investigation of the incident. This guidance will also help Managers ensure the safety of the employee and (where it applies) their family/relatives, as well as other employees who could be at risk
* Notify senior managers about risks to employees in relation to a particular member of the public, service-user or member of staff as appropriate
* In consultation with Senior Managers, where appropriate, follow any local procedures, in relation to acting against third-parties such as issuing a warning or applying service access restrictions against service users who have harassed or abused an employee.
* Review all risk assessments associated with any incident and work activity and take steps to identify and implement actions that will minimize the risk of similar incidents happening again.
* Work with employees to identify and put in place any additional training or support required following any incident.
* Ensure that the incident is included in regular reporting to Senior Management on the numbers, types, and frequency of incidents.
* Make a record of the abuse or harassment against the service user’s name on relevant information systems as appropriate to the service area.
* Where complaints of abuse or harassment relate to an employees of another organisation, an appropriate senior manager of that organisation should be informed, and any relevant information shared with them to enable action to be taken against their employees where appropriate.

Withdrawing Services

Depending on the type of service being provided, it may not be possible to withdraw services. Where this is an option, the decision to withdraw services can only be made by an Assistant Director and only after all other options to manage the situation have been considered, and after liaison with legal services. Services could be withdrawn when there has been:

* Abusive or threatening behaviour towards employees
* Persistent intimidation, bullying or harassment of employees or other service-users despite warnings; and/or
* An actual physical assault on an employee or another service-user

The list is not exhaustive. Managers should speak to their Health and Safety Lead where this is the case to discuss additional measures that may need to be put in place.

Employees and managers should always work towards a resolution that maintains employee safety while continuing to provide necessary services.

**Assistant Directors should manage any service that is withdrawn in conjunction with advice from Legal Services as appropriate.**

Employee Support

In all cases Managers in agreement have a regular ‘check in’ or ‘one to one’ for a period of time to check on the employees’ wellbeing and give them the opportunity to raise any worries or concerns. The impact of abuse or harassment can last a long time.

Managers should also offer access to a range of mental health support via the [Council wellbeing site](https://cumbria.gov.uk/employeeinformation/wellbeing/support.asp) and refer the employee to Occupational Health/Schools Occupational Health provider if the employee feels they would benefit from this support.

In addition, Managers should consider offering the follow support options to employees who experience harassment or abuse at work. It is recognised that not all options will be appropriate depending on the circumstances. Managers should be led by employees’ feedback and their view of what will support them in their situation:

* Discuss the incident with the employees to ensure they feel in control of the steps that will be taken and the full circumstances of the incident and impact on the victim are understood.
* Remove the employees from situations where repeat occurrences of abuse or harassment are likely to take place, where possible. This should be arranged in a way that does not negatively impact the worker being abused.
* Ensure the employee does not have to work alone for a period if visits/duties can be carried out with another team member.
* Discuss reasonable adjustments such as flexible working – this could be adjusting start and finish times or incorporating some home working. Where the employees are based on site, it could mean changing the location from where employees work on a temporary or permanent basis.
* Amend caseload/duties to avoid contact with the service user responsible for harassment or abuse. This may include Managers undertaking some duties for the employees where appropriate.
* Suggest employees seek support from their Trade Union if they are a member.
* If the incident involved a crime taking place, discuss reporting the incident to the Police and provide information about [Victim Support](https://www.victimsupport.org.uk/) (<https://www.victimsupport.org.uk/> ) - an independent charity that can provide emotional and practical support
* The [Equality Advisory and Support service](https://www.equalityadvisoryservice.com/) (<https://www.equalityadvisoryservice.com/> ) are also available for victims of abuse for advice on equality and human rights.

## Appendix 1

Equality

An equality impact assessment of this policy will be undertaken to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy or practice.

The Council employs staff from a diverse range of backgrounds and all employees should be treated with respect. Discriminatory abuse is the unequal treatment of a person/s based on age, disability, gender and gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation.

As a public sector employer, we must comply with the Public Sector Equality Duty which means we must take steps to prevent third party harassment which may help to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

The Equality Act makes three types of harassment unlawful:

* Harassment related to a ‘relevant protected characteristic’
* Sexual harassment
* Less favourable treatment of an employee because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment

### Harassment related to a ‘relevant protected characteristics’

The ‘relevant protected characteristics’ are

* Sex
* Age
* Disability
* Gender reassignment
* Race
* Religion, faith, or belief
* Sexual orientation

Unlike other forms of discrimination, pregnancy and maternity are not included, however harassing somebody because of pregnancy or maternity would be harassment related to sex.

Harassment arises when an employee is subject to ‘unwanted conduct’ that is related to one of the protected characteristics (or perceived characteristic) listed above which has the purpose of effect of

* Violating the employee’s dignity
* Creating an intimidating, hostile, degrading, humiliating or offensive environment for that employee

Unwanted conduct covers a wide range of behaviours and can include all the types of behaviours describing abuse listed in section two of this policy. Unwanted means ‘unwelcome’ or ‘uninvited’.

The Protection from Harassment Act 1997 states that an individual who causes fear or distress to another individual on more than one occasion is guilty of a criminal offence. This applies to instances where the same employee is harassed by the same person on more than one occasion. Managers must take robust action in response to all incidents of harassment.

### Sexual harassment

Sexual harassment occurs when an employee is subjected to unwanted conduct, and which is of a sexual nature. All incidents of sexual harassment by third parties must be dealt with swiftly and robustly by Managers.

### Less favourable treatment of an employee because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment

Managers should ensure that they are not treating employees who report third party harassment any less favourably than any other employee.

### Victimisation

Victimisation is defined in the Equalities Act 2010 as:

Treating someone badly because they have done a ‘protected act’ (or because it is believed that a person has done or is going to do a protected act).

A ‘protected act’ is:

* Making a claim or complaint of discrimination (under the Equality Act).
* Helping someone else to make a claim by giving evidence or information.
* Making an allegation that you or someone else has breached the Act.
* Doing anything else in connection with the Act.

If an employee is treated less favourably because they have taken such action, then this will be unlawful victimisation.

### Hate Crimes and Hate Incidents

The police and Crown Prosecution Service have agreed a common definition of hate crime as any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion, faith or belief; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.

Hate incidents are incidents that the victim or anyone else thinks was motivated by hostility or prejudice based on the protected characteristics listed above, and can also include other characteristics such as such as being female (misogyny or hatred of women), older age or belonging to a subculture (defined as appearance and lifestyle). The key word is ‘hostility’. There is no legal definition for ‘hostility’ but the everyday understand of the word can be used as a guide and includes: ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment, and dislike. A hate incident or hate crime can include verbal abuse, intimidation, threats, harassment, assault, and bullying.

## Appendix 2 – Associated Policies

To view any of the policies press Ctrl and click on the Policy name

* + [Unreasonable Customer Policy](https://cumbria.gov.uk/eLibrary/Content/Internet/536/6357/42766152553.pdf)
  + [Section 06 - Recording Reporting and Investigation of Adverse Events](https://www.intouch.ccc/elibrary/Content/Intranet/535/615/984/4183716757.pdf)
  + [Section 14 - Personal Safety and Security in the Workplace (Dealing with Violence at Work Issues)](https://cumbria.gov.uk/elibrary/Content/Internet/535/615/984/37708143842.pdf)
  + [Section 15 - Risk Assessment](https://www.intouch.ccc/elibrary/Content/Intranet/535/615/984/3793011104.pdf)
  + [Section 23 - Health and Safety for Homeworkers](https://www.intouch.ccc/elibrary/Content/Intranet/535/615/984/37708144742.pdf)
  + [Section 24 - Lone Working](https://cumbria.gov.uk/elibrary/Content/Internet/535/615/984/37708144839.pdf) – including the Peoplesafe app where appropriate