

OPEN

## **Corporate Policy Committee**

**28 November 2024**

## **HR Policies and Procedures**

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**Report of: Adele Taylor, Interim Executive Director Resources and S151 Officer**

**Report Reference No: CPC/45/24-25**

**Ward(s) Affected: Not applicable**

**Report for Decision or Scrutiny: Both**

### **Purpose of Report**

- 1 The purpose of this report is to outline and seek approval of the new Sexual Harassment Policy and Procedure and Social Media Policy as well as the changes to the current Dignity at Work Policy and Procedure, and Equality, Diversity and Inclusion Policy.

### **Executive Summary**

- 2 The purpose of this report is to seek approval of two new HR policies and significant changes to an existing policy, as outlined below, in line with Chapter 2 of the council's Constitution requiring the agreement of Corporate Policy Committee before they can be adopted.
- 3 The Dignity at Work Policy and Procedure has also been included given its link with the Sexual Harassment Policy and Procedure. Although changes to this policy and procedure are only minor and would not normally require approval under Chapter 2 of the council's Constitution, it was felt it would be beneficial to share it at the same time.
- 4 With the introduction of the Worker Protection (Amendment of Equality Act 2010) Act 2023, from 26 October 2024 employers of any size in England, Wales and Scotland have a specific duty to take reasonable steps to prevent sexual harassment of workers in the course of their employment. In order to meet this duty a new Sexual Harassment Policy and Procedure has been produced. This new policy outlines the

council's zero-tolerance approach to sexual harassment and provides a separate procedure to follow to report incidents of sexual harassment by an employee or third party.

- 5 The new Social Media Policy sets out the council's expectations on the use of social media at work and personal capacities to ensure it is used effectively, lawfully and does not compromise the council. Information on the use of social media is currently guidance and has been in place for some time. With the increasing importance of social media and to effectively deal with issues arising around its use, it is best practice to have a policy in place to provide clarity and ensure compliance.
- 6 The Equality, Diversity and Inclusion Policy replaces the current Equality in Employment Policy, to reflect current best practice. It includes more information on what discrimination, harassment and victimisation are, strengthens the information around training and support available, as well as allocated time for staff network duties to align with the council's commitment and approach to equality, diversity and inclusion. It also includes information on breaches of the policy.
- 7 Key elements of the new policies and updates for the existing policies above are outlined in paragraphs 9, 14, 17 and 20 of this report.

## **RECOMMENDATIONS**

The Corporate Policy Committee is recommended to:

1. Approve the Sexual Harassment Policy and Procedure and Social Media Policy.
2. Approve the changes to the Dignity at Work Policy and Procedure and Equality, Diversity and Inclusion Policy.

## **Background**

### **Social Media Policy**

- 8 The council has had a guidance note on the use of social media since 2011, which sets out its expectations. Following advice from Legal Services it was felt a policy would be more effective when dealing with breaches of the policy under a disciplinary procedure. Social media issues are increasingly important, and a policy would be best placed to enable us to deal with issues as effectively as possible to preserve the reputation of the council.

- 9 The purpose of the Social Media Policy is to set out the council's expectations in relation to the use of social media in work and the behaviours expected when posting on social media, to ensure it is used in an effective and lawful way that does not compromise the council.
- 10 The Social Media Policy covers the following:
  - a. Definition of social media, the corporate social media accounts and the context of use.
  - b. Compliance with related policies and procedures.
  - c. The use of social media for work purposes and personal usage.
  - d. Breaches of the policy and the support available to anyone affected or involved.

### **Sexual Harassment Policy and Procedure**

- 11 With the introduction of the Worker Protection (Amendment of Equality Act 2010) Act 2023, from 26 October 2024 employers of any size in England, Wales and Scotland have a specific duty to take reasonable steps to prevent sexual harassment of workers in the course of their employment.
- 12 The purpose of the Sexual Harassment Policy and Procedure is to provide a framework for dealing with any sexual harassment that occurs, whether by employees or third parties. This will in part help the council to meet its duty to prevent sexual harassment as outlined in the Worker Protection Act 2023.
- 13 In addition to the policy and procedure a mandatory Sexual Harassment in the Workplace eLearning module is being produced, with the aim of helping staff to understand what sexual harassment is and what they need to do if they experience or witness harassment.
- 14 A dedicated page is available on the CEntranet - preventing sexual harassment at work. This outlines the new law and provides information on what to do if employees experience sexual harassment and the support available. This page will be updated with details of the training when it is available as well as the new policy and procedure.
- 15 Key elements of the Sexual Harassment Policy and Procedure covers the following:

- a. What is sexual harassment, including victimisation and third party sexual harassment.
- b. Reporting incidents of sexual harassment, both informal and formal routes, including the right to appeal.
- c. Consequences of breaching the policy.
- d. Timescales, recording of meetings and malicious complaints.
- e. Advice and support.

### **Dignity at Work Policy and Procedure**

- 16 With the introduction of the Worker Protection (Amendment of Equality Act 2010) Act 2023 and the introduction of a Sexual Harassment Policy and Procedure, the Dignity at Work Policy and Procedure has been updated to reference the change to the law and refer staff to the appropriate policy should they experience or witness harassment.
- 17 Minor additional amendments have been made to the policy and procedure at the same time, to bring it in line with more recent HR policies and to provide more clarity, particularly around elements of the informal and formal procedures. Given the changes to this policy are not significant it would not normally require approval at Corporate Policy Committee, however, given its link to the proposed Sexual Harassment Policy and Procedure it was deemed appropriate to share at the same time.
- 18 Changes to the Dignity at Work Policy and Procedure are as follows:
  - a. Scope and Expectations expanded in line with more recent HR policies and reference to virtual settings and meetings throughout.
  - b. Updated definitions of bullying and harassment.
  - c. Section included on bullying and harassment by third parties and reference included to Sexual Harassment Prevention Duty.
  - d. Informal and formal procedure sections expanded to provide more clarity.
  - e. Removed grounds for appeal to avoid denying anyone the right to appeal.

## **Equality, Diversity and Inclusion Policy**

- 19 To reflect current best practice, the council's Equality in Employment Policy has been re-named Equality, Diversity and Inclusion Policy.
- 20 Additional information has been included in the policy, including, on Legal advice a new section on breaches of the policy. The policy now sets out the council's commitment to promoting equal opportunities in all aspects of employment, making equality an integral part of the way the council works.
- 21 Changes to the Equality, Diversity and Inclusion Policy are as follows:
- a. Inclusion of a Discrimination section to provide further information on harassment, victimisation and bullying.
  - b. Equality and Diversity Staff Network Groups section added to the policy, including allowing chairs of the staff network groups time to undertake their duties.
  - c. Breaches of the policy included and additional information on help and support available.

## **Consultation and Engagement**

- 22 The council's recognised trade unions and relevant internal stakeholders have been consulted in relation to the new and updated policies and procedures.

## **Reasons for Recommendations**

- 23 With the introduction of the Worker Protection Act 2023, from 26<sup>th</sup> October 2024, the council has a legal duty to take reasonable steps to prevent sexual harassment of its workers during the course of their work. The Sexual Harassment Policy and Procedure is a key element in communicating the council's position on sexual harassment and what it will do in the event of a sexual harassment complaint being raised.
- 24 Changes to the Dignity at Work Policy and Procedure reflect the introduction of the Workers Protection Act 2023 and the introduction of a Sexual Harassment Policy and Procedure, as well as some additional minor changes.
- 25 The Social Media Policy and Equality, Diversity and Inclusion Policy set out the council's expectations in relation to these topics and the behaviours it expects of the workforce.

## **Other Options Considered**

- 26 Consideration was given to including information around sexual harassment into the Dignity at Work Policy and Procedure. On Legal advice it was decided this would not show sufficient action to prevent sexual harassment and a separate policy and procedure was required.
- 27 The council could have reviewed and updated the social media guidance note. However, Legal advice was that this may lead to issues should there be a breach in this area that could be taken through the disciplinary procedure.
- 28 The Equality, Diversity and Inclusion Policy could have remained the same, however, current best practice is to help staff understand what discrimination is and they can have an impact in helping the council to avoid it.

## **Implications and Comments**

### *Monitoring Officer/Legal*

- 29 Under the new Worker Protection Act 2023 which came into force on 26 October 2024, employers have a legal duty to take reasonable steps to prevent sexual harassment of their employees during the course of their employment. This is a new, positive action requirement and the Council needs to be able to demonstrate reasonable steps are being taken to comply with the new obligations. The new Sexual Harassment Policy and supporting materials seeks to ensure the Council is meeting its obligations and protecting/supporting staff in this regard.
- 30 The use of social media by individuals in and outside of the workplace is widespread. However, improper and inappropriate use by employees carries significant legal risk for the Council, including:
- a. Potential unauthorised disclosure of confidential and proprietary information.
  - b. Infringement of third party intellectual property rights.
  - c. Liability for discriminatory or defamatory comments posted by employees.
- 31 Having a pragmatic and enforceable social media policy will help the Council to minimise risk associated with employee use of social media by proactively defining acceptable and unacceptable uses in the context of the employment relationship. It also allows for breaches of the policy to be dealt with under the disciplinary procedure, ensuring appropriate action can be taken for breaches and a consistent approach to non-compliance.

- 32 The other existing policies have been updated in line with latest legislation and best practice. This seeks to ensure that the council remains legally compliant, protects against Employment Tribunals/legal action and supports good employee relations across the organisation.

#### *Section 151 Officer/Finance*

- 33 There are no direct financial implications in respect of the Sexual Harassment, Dignity at Work and Social Media policies and procedures.
- 34 In respect of the Equality, Diversity and Inclusion policy, the service area in which the Chair and Vice Chair of the network groups are employed will be meeting the salary cost for the time off for network duties are outlined.

#### *Policy*

- 35 Any decisions relating to sexual harassment, dignity at work, the use of social media and equality, diversity and inclusion should comply with the policies in place at the time.

#### *Equality, Diversity and Inclusion*

- 36 The changes to the Equality, Diversity and Inclusion Policy strengthen and clarifies the council's commitment to Equality, Diversity and Inclusion.
- 37 There are no direct equality implications associated with approving the Sexual Harassment Policy and Procedure, Dignity at Work Policy and Procedure, Social Media Policy and Equality, Diversity and Inclusion Policy.

#### *Human Resources*

- 38 Associated policies have been reviewed to ensure that they complement the Sexual Harassment Policy and Procedure, Dignity at Work Policy and Procedure, Social Media Policy and Equality, Diversity and Inclusion Policy. The Code of Conduct is also under review.
- 39 The Sexual Harassment Policy and Procedure, Dignity at Work Policy and Procedure, Social Media Policy and Equality, Diversity and Inclusion Policy will help to clarify the council's expectations on staff and in turn what they can expect from the council as their employer.

#### *Risk Management*

40 If the council does not implement a Sexual Harassment Policy and Procedure it risks not demonstrating the preventative steps required in the Worker Protection Act 2023.

41 Where a tribunal finds an employer failed to comply with the preventative duty, they have the power to increase discrimination compensation by up to 25%. The Equality and Human Rights Commission (EHRC) could also take enforcement action.

#### *Rural Communities*

42 There are no direct implications for rural communities.

#### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

43 There are no direct implications for children and young people.

#### *Public Health*

44 There are no direct implications for public health.

#### *Climate Change*

45 There are no direct implications on climate change.

<b>Access to Information</b>	
Contact Officer:	Sara Duncalf, Head of HR Email: <a href="mailto:sara.duncalf@cheshireeast.gov.uk">sara.duncalf@cheshireeast.gov.uk</a>
Appendices:	Appendix 1 – Draft Social Media Policy Appendix 2 – Draft Sexual Harassment Policy and Procedure Appendix 3 – Draft Dignity at Work Policy and Procedure Appendix 4 – Draft Equality, Diversity and Inclusion Policy
Background Papers:	None





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# Social Media Policy

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## Scope

This policy applies to all employees of Cheshire East Borough Council, except school/academy-based employees. There are separate policies, procedures and guidance for school and academy employees, and these are available from the school/academy.

The principles of this policy also apply to consultants, self-employed contractors, casual workers, agency workers and volunteers. Anyone working or volunteering for the council is a representative of the local authority, both offline and when online (including on social media); the same standards apply to the behaviour and conduct of employees in all circumstances.

There is social media guidance for Members on the Local Government Association (LGA) website: [Social media guidance for councillors | Local Government Association](#).

This policy does not form part of any employee's contract of employment, and it may be amended at any time to reflect changing technologies and compliance standards following consultation with the recognised trade unions.

## Policy statement

This policy sets out the council's expectations on the use of social media in work and personal capacities to ensure that its use is effective, lawful and does not compromise the council. It outlines the standards of behaviour you are required to adhere to when you are posting on social media, as well as the consequences of falling below those standards.

It does not provide any guidance or direction about communications, public/stakeholder engagement or customer service strategies that may apply to use of specific social media accounts for customer interactions, campaigns or providing information to residents and other stakeholders, including in an emergency. This guidance should be found in specific communications, engagement plans and/or service-delivery plans.

This policy is not intended to prevent the use of social media but to ensure that anyone working for, or with, Cheshire East Council uses it with appropriate regard for the council's values and zero tolerance of bullying and harassment at work, including sexual harassment.

We know that digital technology has revolutionised the way in which people communicate and share information at local, national, and international levels. You need to understand these changes so that you can operate effectively in a dynamic media environment.

Social media is a public forum and posts online are not necessarily private, so the same considerations apply as would to speaking in public or writing something for publication, either officially or in a personal capacity outside of work.

This policy seeks to ensure that:

- the council is not exposed to legal challenge;
- the reputation of the council, its employees and members is not adversely affected or put at risk of reputational damage;
- you do not put yourself in a vulnerable position;
- you understand how information provided via social media applications can be representative of the council;
- the use of social media does not have a negative impact on the council; and
- any cyber-bullying, intimidation or harassment (including sexual harassment) through social media are reported so your manager can support and advise you on the appropriate next steps.

This document should be read in conjunction with the council's Code of Conduct, ICT Policies (policies on the internet and security), Disciplinary Policy and Procedure, and the Dignity at Work Policy and Procedure which are available on [Centranet](#).

## What you can expect from the council

We will:

- Make you aware if you are required to use social media as part of your role and provide you with any relevant login details for the social media account/s.
- Address any concerns with you and/or issues of misuse arising out of the use of social media.
- Report and escalate any incidents or concerns regarding social media as appropriate.
- Support you if you are subject to cyber-bullying, intimidation or harassment (including sexual harassment) through social media, for example, defamation in connection with your job role and where it may result in a social media smear campaign, misinformation or malicious communications.

Your manager is key to enabling the council's commitment to you.

## What the council expects of you

We expect you to:

- Familiarise yourself with the detail and spirit of this policy when using social media.

- Use social media appropriately if it is part of your job role and adhere to the rules in this policy.
- Keep up to date with the latest changes and functionality of the social media platforms.
- Seek to ensure that any content, communication or contribution made on social media in a work capacity remains professional.
- Comply with ICT policies and procedures when using social media for work purposes, including having robust security measures in place to seek to ensure the protection of passwords to social media profiles. There is guidance on [Centranet](#) on how to create a secure password.
- Inform your manager if you suspect that any Cheshire East Council social media accounts have been compromised or accessed by an unauthorised person.
- Do not post, like or share content that could damage the council's reputation in both a work and personal capacity.
- Speak to your manager if you are unsure about any interaction on social media that may contravene the expected standards.
- Report any incidents of cyber-bullying, intimidation or harassment through social media in the course of their employment to your manager.
- Read and abide by the ICT Internet Policy (available on [Centranet](#)) relating to the use of social media and the council's Code of Conduct (available on [Centranet](#)).

## Definition of social media

The term 'social media' is used to describe forms of electronic communication through which users create online communities to share information, ideas, personal messages and other content. This includes blogs, photo sharing, video sharing, social networks and apps.

Social media is an increasingly popular form of communication as it allows people to share content quickly, efficiently and in real-time. It is used both socially and for business.

Social media differs from a telephone conversation or email; it is an interactive broadcast medium. This means your messages can be viewed by a much wider audience than just the intended recipient.

The most important thing to remember is that once your message is out there on social media it will always be out there even if you delete the post (or message), it is likely to have been seen and shared by someone.

With respect to this policy, social media is any online platform or app that allows parties to communicate instantly with each other or to share data in a public forum. This includes social forums such as X (formerly known as Twitter), Facebook, and LinkedIn.

Social media also covers blogs and video and image-sharing websites such as YouTube and TikTok. This is not an exhaustive list, there are many more examples of social media than can be included in this policy and this is a constantly changing area. You should adhere to this policy in relation to any social media that you use or any app that is used that has features which align with social media platforms, for example, Snapchat or WhatsApp (status updates, group chats etc.).

## Corporate social media accounts

Cheshire East Council regularly reviews its use of corporate social media accounts in what is an ever-changing landscape to reach different audiences with our messages. Corporately, we currently use the following social media platforms:

- Facebook: <https://www.facebook.com/CheshireEastCouncil/>
- X (formerly known as Twitter): <https://twitter.com/CheshireEast>
- LinkedIn: <https://www.linkedin.com/company/346296/admin/>
- Instagram: <https://www.instagram.com/cheshireeast>
- YouTube: <https://www.youtube.com/user/CheshireEast>

There are also multiple service-led social media profiles.

## Context of use

The council recognises that the internet provides an opportunity to participate in interactive discussions and share information using a wide variety of social media. The scope of this policy applies to those who are likely to use social media privately (outside of work) as well as in their role during office hours or otherwise - whether the social media is accessed using council ICT facilities, or by using personal equipment where they may be representing the council such as that of an employee.

## Compliance with related policies and procedures

You should never use social media in a way that breaches any council policies. If an internet post would breach any of our policies in another forum, it will also breach them in an online forum. You are prohibited from using social media to:

- breach our ICT policies and procedures;
- breach the council's obligations with respect to the rules of relevant regulatory bodies;
- breach any obligations contained in those policies relating to confidentiality;
- breach the council's Disciplinary Policy and Procedure;
- breach the council's Dignity at Work Policy and Procedure;
- unlawfully discriminate against other employees or third parties;

- breach the council's Data Protection Policy (for example, never disclose any confidential, personal, secure, or protected information obtained in your capacity as an employee of Cheshire East Council); or
- breach any other laws or regulatory requirements.

If you are unsure about any interaction on social media that may contravene the council's expected standards for personal social media usage or breaches any of our other council policies, you should speak to your line manager for clarification and refrain from posting it until it has been discussed.

You should never provide references for other individuals on social or professional networking sites. These references, positive and negative, can be attributed to the organisation and create legal liability for both the author of the reference and the organisation.

## Prohibited use

We recognise that you may be a Cheshire East resident as well an employee, so there may be council matters that you wish to comment on or contribute to, for example, public/resident consultations. It is also recognised that you may connect with colleagues ('friends') in a personal/social capacity through social media. However, you must avoid making any social media communications that could damage council interests, reputation or working relationships, even indirectly. You must:

- not use social media to bring the council into disrepute or make defamatory or disparaging comments or grievances about the council, colleagues, councillors or service users;
- not post, like or share images or graphic content that are inappropriate or share links to inappropriate images or graphic content;
- not post or share links to inappropriate sexually explicit or provocative images or content;
- use caution if posting any content regarding council business/interests or political statements/issues concerning council business, particularly if you are in a politically restricted post (guidance available on [Centranet](#));
- not breach confidentiality by uploading, sharing, discussing or posting comments about sensitive, personal, secure or protected information owned by the council or partner organisations or information about service users, employees or other individuals associated with the council, for example, agency workers and consultants;
- not make false representations or post/share content in the course of your work that could breach copyright, for example, using someone else's images or written content without permission or failing to give acknowledgement where permission has been given to reproduce something;

- not post anything that could be considered discriminatory against, bullying or harassment of any individual;
- not allow your interaction with social media to damage working relationships between colleagues or other stakeholders;
- not use social media to deliberately make false or misleading statements; and
- not use social media to impersonate colleagues.

You are not permitted to connect with clients/service users you are dealing with in your job role – for example, if you are a social worker or support worker – through personal social media accounts, especially where these people are children or vulnerable adults. The council considers it inappropriate to have your clients/service users, including their families, as ‘friends’ on social media.

Contact through social media in this capacity will only be permitted where it has been firmly established with your grandparent manager.

You should also avoid using social media platforms as a means of contacting colleagues outside of normal working hours about work.

## Social media usage for work purposes

Your manager is responsible for making you aware if you are required to use a corporate social media account as part of your job role, and you will be provided with relevant login details for the account/s.

Managers should contact the council’s [Communications Team](#) in the first instance for advice on the best channel to meet communication requirements. The Communications Team are responsible for the day-to-day management and monitoring of corporate social media accounts, for example, X (formerly known as Twitter), Facebook and Instagram as outlined previously, including the content and audiences. Guidance is also available on [Centranet](#) on setting up a social media page or profile. Managers may also need to liaise with other enabling services such as ICT when setting up a social media page or profile.

The council encourages you to make reasonable and appropriate use of social media if it is part of your role. However, you must be always aware that, while contributing to the council’s social media activities, you are representing the council. If you use social media as part of your job, you must adhere to the rules outlined previously (see ‘Prohibited Use’).

You should use the same safeguards as you would with any other form of communication about the council in the public domain. These safeguards include ensuring that the communication has a purpose and benefit for the council, and that the timing is appropriate and relevant. All content should also be reviewed and relevant permission sought prior to posting to ensure accuracy and that it is suitable



for its intended audience, this includes ensuring [accessibility requirements](#) are met where necessary.

You should also understand and abide by each individual social media platform's privacy notices and guidelines, and you should not use corporate social media profiles, for example, Facebook, in the course of your work to actively monitor and 'watch' members of the public. There is a specific criteria for this type of direct surveillance, please see the Surveillance Policy and Procedures document Cheshire East Council Use of RIPA, Policy and Procedures and the Online Investigations Policy to investigate the use of online material for enquiries/investigations (available on [Centranet](#)).

Managers should refer to the HR guidance on undertaking internal investigations when dealing with disciplinary matters (available on [Centranet](#)), and seek further advice from Human Resources if and when issues arise.

You must also be aware of [data protection](#), particularly where customers and/or members of the public provides personal details on our social media accounts, for example, a comment on a post or through a direct message. When this happens, you must protect that information in the same way as if it was received by email or letter and be careful how you store and share it. Personal information can be anything that identifies an individual, for example a photograph, contact details or other identifiable factors.

If there has been an information security breach, i.e. an incident which puts confidential information at risk of being lost/stolen, accessed inappropriately (either deliberately or accidentally), or disclosed to the wrong people, it must be reported straight away so that the council can take immediate steps to mitigate any risks, including suspending social media accounts. More information about reporting an information security breach or incident is available on [Centranet](#).

As part of any exit process, i.e. where employee leaves the council/job and they use social media for work purposes, the manager is responsible for arranging for any access/passwords to be changed and/or social profiles to be deleted to ensure that there are business continuity arrangements in place.

## Guidelines for responsible use of social media in your personal life

Your personal online profile should not contain the name of Cheshire East Council (such as a username or 'handle') or use the council's logos or other trademarks unless you are authorised to do so as part of your duties of your role. You should also seek to ensure that your profile information on social media accounts is appropriate, and you should check your privacy and security settings.

You should ensure that your profile and any content you post are consistent with your professional status, relevant professional standards, and the values and behaviours that are expected – see [Values and behaviours](#).



Be mindful that, even if you do not expressly identify yourself as working for the council, it may be possible to identify you as an employee by the content of information you have posted on your social media profile or through other work colleagues you are friends with. This can make you identifiable to service users, as well as people you know in a private capacity.

You should be mindful that your actions on your personal social media accounts could potentially damage the council's reputation, especially if you have specified your role and/or employer as part your social media account.

Be respectful to others when making any statement on social media and be aware that you are personally responsible for all communications which are published on the internet for anyone to see.

You should adhere to the standards of behaviour set out in the council's Code of Conduct (available on [Centranet](#)) when using social media, which includes declaring any external activities, for example, income-generating social media presence/content, that may affect your employment with the council.

If you are uncertain or concerned about the appropriateness of any statement or posting, refrain from posting it or discuss any concerns with your line manager.

If you see social media content that disparages or reflects poorly on us, you should contact your line manager.

## Social media usage during working hours

The council's Internet Policy (available on [Centranet](#)) sets out the how you should use your council Internet facility, including your personal responsibilities and informs what you must and must not do in relation to social networking services, for example, Facebook, in business contexts.

One of the key messages of the ICT policy is that personal use of social media is not permitted during working hours or by means of the council's computers, networks and other IT resources and communications systems, unless this is explicitly part of your role or within your own time (for example during your lunch break). However, care must be taken when using social networking sites in and out of work and you must adhere to this policy and the ICT policy.

## Monitoring use of internet

We reserve the right to monitor, intercept and review, without further notice, your activities using the council's IT resources and communications systems, including but not limited to social media postings and activities, for legitimate business purposes which include:

- ascertaining and demonstrating that in using the systems you are meeting expected standards; and
- the detection and investigation of unauthorised use of the systems (including where this is necessary to prevent or detect crime).

For further information, see the council's Internet Policy (available on [Centranet](#)).

## Breach of this policy

In situations where you have breached this policy and/or it becomes known that you have used social media in a way that has breached any of our other council policies, for example, posted potentially damaging material or other incidents such as bullying colleagues, it may constitute misconduct or gross misconduct, and may be dealt with in accordance with the council's [Disciplinary Policy and Procedure](#).

For consultants, self-employed contractors, casual workers, agency workers and volunteers who are found to have breached this policy, there may be consequences including non-renewal or termination of contract.

You may be required to remove any social media content that we consider to constitute a breach of this policy. Failure to comply with the request may in itself result in disciplinary action.

## Support for those affected or involved

In situations where you may have been accused of social media misconduct or are the subject of cyber-bullying, intimidation or harassment through social media in the course of your employment, you are encouraged to speak up without delay and ask for support.

You are also encouraged to report any incidents, including incidents perpetrated by a third party (for example, a service user or supplier), to your manager as soon as possible. Your manager will advise and support you on the next steps and signpost you to the appropriate procedure (this will depend on the nature of the complaint). Further advice may be sought by your manager from Human Resources.

You should also seek support from your colleagues, friends, family or a trade union if you are a member, because any form of cyber-bullying, intimidation or harassment can have a negative impact on your mental health and wellbeing.

The council provides access to occupational health support. Other external sources of help and support are also available:

- [Employee Assistance Programme \(EAP\) \(cheshireeast.gov.uk\)](#)
- [Mental health support for people at work | Able Futures Mental Health Support Service \(able-futures.co.uk\)](#)

## Useful links

[Values and behaviours \(cheshireeast.gov.uk\)](#)

[CEC Code of Conduct](#)

[CEC ICT Policies](#)

[Social Media Guide](#)

## Disciplinary Policy and Procedure

### Equality

The council is committed to promoting equal opportunities in employment. You (and any job applicants) will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation or caring responsibility. This means that the application of the policy may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

### Monitoring and review

The council will monitor this policy to ensure that it is operating fairly, consistently, and effectively. The policy will be reviewed in the light of operating experience and/or changes in legislation.

Prepared by: HR Operations

Date: November 2024

Revision: New policy – previously guidance:

[Social media guide \(cheshireeast.gov.uk\)](https://www.cheshireeast.gov.uk)



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## Sexual Harassment Policy and Procedure

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## Scope

This policy and procedure applies to all employees of Cheshire East Borough Council except school/academy-based employees. There are separate policies and procedures for school and academy employees.

This policy and procedure applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, apprentices and volunteers. The policy also relates to job applicants and is relevant to all stages of the employment relationship.

The policy also applies to sexual harassment by third parties.

It does not form part of any employee's contract of employment, and we may amend it at any time following consultation with the recognised trade unions.

## Policy statement

The purpose of this policy and procedure is to set out the council's framework for dealing with any sexual harassment that occurs, whether by employees (including consultants, contractors, agency workers and volunteers), and also by third parties such as customers, suppliers or visitors to our buildings.

With the introduction of the Worker Protection (Amendment of Equality Act 2010) Act 2023, from 26<sup>th</sup> October 2024 employers of any size in England, Wales and Scotland have a specific duty to take reasonable steps to prevent sexual harassment of workers in the course of their employment.

The council is committed to having a culture that is diverse, equitable and inclusive, which is core to everything that we strive to achieve and to the organisational environment we wish to protect. One key to protecting our culture and our people is seeking to provide a working environment free from sexual harassment, ensuring all employees are treated, and treat others, with dignity and respect. We recognise that sexual harassment can occur both in and outside the workplace, such as on work-related events or social functions, or on social media.

Sexual harassment or victimisation of any employee, or anyone you encounter during the course of your work, is unlawful and will not be tolerated. The council will take active steps to help prevent the sexual harassment and victimisation of all employees. If you are a victim of, or witness, sexual harassment you are encouraged to report it in accordance with this policy. This will enable us to take appropriate action and provide support. Sexual harassment can place the council and the perpetrator at risk of legal action, whether the perpetrator works for the council or are a third party outside of our control. Sexual harassment may also result in disciplinary action being taken, up to and including dismissal.

The policy and procedure are complemented by the council's Health and Wellbeing Strategy that supports a number of health and wellbeing policies and initiatives, promoting the wellbeing of its staff and our health and safety policies that reflect the Council's duty of care to ensure health at work.

The policy and procedure accompany our Equality in Employment Policy.

## What you can expect from the council

We will:

- Adopt a zero-tolerance approach to all forms of sexual harassment.
- Seek to ensure that your mental health and wellbeing is always treated as a priority and ensure that you are supported if you are facing such issues.
- Ensure that everyone who works for us is aware of the council's values and behaviours and their responsibilities towards each other and understands the impact that their behaviour may have on colleagues.
- Monitor our workplace culture through anonymous surveys, exit interviews, one-to-one conversations and return-to-work meetings to identify and address any issues.
- Undertake risk assessments to identify potential areas where sexual harassment could take place and to determine reasonable measures that can be implemented to minimise the risk of exposure to sexual harassment in the workplace, and by third parties that you may have contact with.
- Treat all complaints promptly, efficiently and sensitively and ensure that they are dealt with in strictest confidence.
- Provide protection against victimisation for anyone raising a complaint.
- Ensure that mandatory equality and anti-harassment training is provided to all employees to enable them to deliver on behalf of the council and that this is properly recorded.
- Ensure managers and supervisors understand their role in handling complaints.
- Treat everyone with dignity and respect at all times.
  - If issues arise with regard to the unacceptable behaviour of employees from other organisations that the council does business with, or customers or visitors to our premises, the council will take appropriate action to address such issues.

Your manager is key to enabling the council's commitment to you.

## What the council expects of you

We expect you to:

- Take personal responsibility for observing, upholding, promoting and applying this policy and act in accordance with the council's values and behaviours (available on [Centranet](#)).
- Treat everyone with dignity and respect at all times.
- Be aware of how your own behaviour may affect others and change it, if necessary – you can still cause offence even if you are “only joking”.
- Make it clear to others, including third parties (clients, suppliers and contractors) when you find their behaviour unacceptable, e.g. inappropriate jokes or comments.
- Challenge unacceptable behaviour, where appropriate, if you see it directed towards a colleague and promptly report any incident to stop sexual harassment and victimisation.
- Speak up without delay and ask for appropriate support if you experience sexual harassment.
- Treat private matters in strictest confidence and refrain from participating in, encouraging or condoning gossip related to cases of alleged or actual sexual harassment and victimisation.
- Support the council's policy by co-operating or participating if requested, for example by acting as a witness or, if you are a manager, undertaking a specific role under the procedures in line with your job responsibilities.
- Undertake mandatory equality and anti-harassment training on an annual basis.
- Always set a good example by your own behaviour and ensure a supportive and positive working environment for your team if you are a manager.

## What is sexual harassment?

Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature 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 sexual harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past.

Sexual harassment can occur in many forms and can take place in person or online. While this is not an exhaustive list, examples may include:

- unwanted physical conduct, intimidation or “horseplay”, including touching, pinching, pushing and grabbing;
- continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;
- sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
- unwelcome sexual advances, propositions or suggestive behaviour (which the harasser may perceive as harmless);
- leering, whistling or making sexually suggestive gestures;
- sharing sexually explicit jokes or anecdotes; or
- offensive emails, text messages or social media content.

It is not necessary for someone to object first before conduct can be described as unwanted. Also, a person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.

## Victimisation

Victimisation includes subjecting someone to a detriment because they have raised a complaint, given evidence or information in connection with a complaint or alleged that someone has contravened the Equality Act 2010. Victimisation can include, but is not limited to:

- denying someone an opportunity because it is suspected that they intend to make a complaint about sexual harassment;
- excluding someone because they have raised a grievance about sexual harassment;
- failing to promote someone because they accompanied another employee to a grievance meeting; and
- dismissing someone because they gave evidence on behalf of another employee at a grievance meeting.

Sexual harassment and victimisation are unlawful and will not be tolerated. They may lead to disciplinary action up to and including dismissal if they are committed:

- in a work situation;
- during any situation related to work, such as at a social event with colleagues;



- against a colleague or other person connected to the council outside of a work situation, including on social media; or
- against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.

We will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.

## Third party sexual harassment

Third party sexual harassment occurs where you are sexually harassed by someone who does not work for, and who is not an agent of, the council, but someone with whom you have come into contact with during the course of your work. Third party sexual harassment could include, for example, unwelcome sexual advances from a client, customer or supplier visiting one of our offices, or where you are visiting a client, customer or supplier's premises or other location in the course of your work.

Third party sexual harassment can result in legal liability and will not be tolerated. You are encouraged to report any third party sexual harassment you are a victim of, or witness, in accordance with this policy. Any sexual harassment by an employee against a third party may lead to disciplinary action up to and including dismissal.

We will take steps wherever possible to prevent third party sexual harassment of employees, and if any third party sexual harassment of employees occurs, we will take steps to remedy any complaints and to prevent it happening again. These can include, but are not limited to:

- issuing a warning to the harasser about their behaviour;
- informing their employer that a complaint has been raised against them, if appropriate;
- banning them from our premises; and
- reporting any criminal acts to the police.

## Reporting incidents of sexual harassment

If you believe that you have been the victim of sexual harassment, we encourage you to come forward and share your concerns with us so we can resolve the matter. We will take all such complaints seriously and, providing that you acted in good faith and your complaint is genuine, you will be protected and will not be penalised or victimised in any way.

If the harasser is a colleague, it can be dealt with in various ways, ranging from informal to more formal procedures as set out below. If you are experiencing sexual harassment by a third party, we encourage you to report this to your line manager without delay so that they can advise and support you on the best course of action.

You do not have to be a recipient or target to make a complaint about sexual harassment. If you see it happening or become aware of any issues of sexual

harassment, you have the right to complain. Tackling sexual harassment is everybody's responsibility.

Some people may be unaware that their behaviour in some circumstances is sexual harassment. If it is clearly pointed out to them that their behaviour is unacceptable, the issue can sometimes be resolved. With this in mind, this policy includes an informal as well as a formal route to deal with complaints of sexual harassment.

If you believe you have witnessed the sexual harassment of a child, young person or vulnerable adult, you must inform your Head of Service (or other senior manager) immediately to ensure that it is raised through the appropriate channels within Children's or Adult Services. A referral to the Local Authority Designated Officer (LADO) or the Person in Position of Trust (PIPOT) process may be required which will be determined by the appropriate service.

#### Informal route

The issue may be raised informally with the help of your manager, trade union representative or another colleague. They should listen to your complaint and work out how best they can help you to resolve the issue informally and in a way with which is most comfortable for you. The following are possible options of how they may help and support you resolving the issue informally:

- provide you with advice on how to approach the issue directly with the alleged harasser;
- support you in raising the issue with the alleged harasser by accompanying you in any discussion or helping you to set out your thoughts in writing;
- raise the matter informally with the harasser on your behalf;
- arrange mediation by a trained mediator between you and the alleged harasser; or
- help to obtain advice on how best to resolve the issue from other sources such as from Human Resources or the Employee Assistance Programme (EAP).

If you feel unable to speak to your line manager because the complaint concerns them, then you should speak to your grandparent manager or Human Resources. If this does not resolve the issue, you should follow the formal procedure below.

If you are not certain whether an incident or series of incidents amounts to sexual harassment, you should initially contact your line manager or Human Resources informally for confidential advice.

We recognise that an informal solution may not be appropriate or may not work in many cases. For example, an informal solution is unlikely to be suitable in more serious cases, you may feel that you are not able to deal with the issue in this way or that informal steps are not appropriate, in which case you should consider making a

formal complaint as set out below. You can make the matter formal at any stage if you wish to.

## Formal route

If you wish to make a formal complaint about sexual harassment, you should submit it in writing to your Head of Service who will acknowledge your complaint within 5 working days of receipt.

Your written complaint should set out full details of the conduct in question, including the name of the harasser, the nature of the sexual harassment, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

If you wish to make a formal complaint about victimisation, you should raise the matter formally in writing. Your written complaint should set out full details of the conduct in question, including the name of the person or persons you believe have victimised you, the reason you believe you have been victimised, the nature of the victimisation, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

Your written formal complaint should be sent to your Head of Service, who will acknowledge your complaint within 5 working days of receipt. In some situations, we may ask you to provide further information.

## Investigation

Your Head of Service may look into your complaint themselves or they may ask another senior manager called the 'Commissioning Manager' to do this on their behalf. Your Head of Service or the Commissioning Manager will appoint an independent person to act as the 'Investigating Officer' and they will conduct an investigation to gather information. The Investigating Officer will arrange a meeting with you, usually within one week of receiving your complaint, so you have the opportunity to give your account of events. The investigation may also include examination of any documentary evidence (including electronic media), interviews with the person(s) involved and any relevant witnesses.

You and the person against whom the complaint is made have the right to be accompanied by a fellow Cheshire East Council worker, a trade union representative or an official employed by a trade union at any formal meeting (in person and virtual).

Where your complaint is about someone other than an employee, such as a customer, supplier or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, taking into consideration the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

If you advise us that you have any disability related needs that need to be considered to enable you to participate in such a meeting, then we will make any

reasonable adjustments that are necessary, to enable you to do so. Wherever possible, we will try to ensure that you and the person against whom the complaint is made are not required to work together while the complaint is under investigation. This could involve giving you the option of working from home, where possible, or remaining at home on special leave, if agreed. In the case of serious allegations, we may suspend the employee against whom the complaint is made for a temporary period while the investigation is being carried out.

The Investigating Officer will also meet with the person against whom the complaint is made to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.

The Investigating Officer will adopt an objective and balanced approach to the information gained as a result of the investigation and produce a detailed Investigation Report. The report will be given to the Head of Service or the Commissioning Manager, who will arrange a meeting with you in order to discuss the outcome and what action, if any, should be taken. We aim to hold this meeting within 30 working days of receipt of your original complaint. You have the right to bring a colleague or a trade union representative to the meeting.

A copy of the report and the Commissioning Manager's findings will be given to you and to the person against whom the complaint is made.

## Action following the investigation

If the Head of Service or the Commissioning Manager considers that sexual harassment has occurred, prompt action will be taken to address it.

Where the harasser is an employee, the matter will usually be dealt with as a case of possible misconduct or gross misconduct under the council's Disciplinary Policy and Procedure (see section on [consequences of breaching this policy](#)). Where the harasser is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the issue.

We recognise that it is not always possible to arrive at a decisive finding of 'upheld' or 'not upheld' since employment situations are not always clear-cut. Sometimes the outcome may include an acknowledgement of your concerns and/or an agreed action plan (including mediation) to address them.

Whether or not your complaint is upheld, we will consider how best to manage and support any ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of counselling, or to change the duties, working location or reporting lines of one or both parties.

The outcome and any action/s to be taken will be confirmed in writing.

## Appeal

If you are the person who has made the complaint, you have the right to appeal against the outcome of the investigation. If you wish to appeal, you must do so in writing, including the reasons for the appeal, within 10 working days of receipt of the letter confirming the decision and send it to your Executive Director in the first instance. Your appeal letter should clearly state the full grounds of your appeal, i.e. the basis on which you consider that your grievance has not been satisfactorily resolved. If your grounds of appeal are unclear, we may ask you to clarify these before we hold a sexual harassment appeal hearing.

Appeals will be dealt with impartially and heard by the Staffing Appeals Sub-Committee (three Councillors, established on an ad hoc basis in consultation with the Chair of the Corporate Policy Committee, in accordance with [Council Constitution](#)) and will take place no less than 30 working days following the receipt of your appeal.

You will be given the opportunity to put forward your case and explain why you are not satisfied with the outcome. You have the right to be accompanied by a fellow CEC worker, a trade union representative or an official employed by a trade union.

The decision by the Staffing Appeals Sub-Committee will be final. This is the end of the internal procedure and there is no further appeal.

## Consequences of breaching this policy

If, following a formal investigation, we find that you have committed, authorised or condoned an act of sexual harassment, we will deal with the issue as a possible case of misconduct or gross misconduct in accordance with the Disciplinary Policy and Procedure (available on [Centranet](#)).

We may take disciplinary action against you, up to and including dismissal (or other appropriate action for non-employees). You should be aware that any aggravating factors, such as abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary action to take.

## Protection and support

Anyone who makes a complaint, reports that they have witnessed wrongdoing, or who participate in good faith in any investigation must not suffer any form of detrimental treatment or victimisation as a result. If we find that you have victimised anyone in this way, disciplinary action may be taken against you under our Disciplinary Policy and Procedure (or other appropriate action for non-employees).

If you believe you have suffered any such treatment, you should inform your line manager or Human Resources.

## Malicious complaints

We accept that all formal complaints should be accepted in good faith and investigated accordingly. However, where an investigation finds that the allegation is false and made in bad faith (that is, without an honest truth in its belief), you may face disciplinary action.

You will not be subjected to disciplinary action or to any other detriment simply because your complaint is not upheld.

## Timescales

In the best interests of both the employee who has raised the complaint and the person against whom the complaint is made, it is important that the investigation and resolution of the complaint are completed as promptly as possible and should be notified of the estimated timescales.

All those involved in the sexual harassment process must give appropriate priority to the complaint and adhere to any specified time limits to enable expedition of the process.

Exceptionally, there may be circumstances where it may be necessary to extend timescales. In these circumstances, you will be updated on a regular basis on the progress and any revised timescales.

## Recording of meetings

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by us to take notes. You, or any person acting on your behalf, are not normally permitted to record electronically any meeting that we hold under this procedure. This is to encourage openness and full participation. Any breach of this provision may lead to disciplinary action.

## Data protection

The council processes personal data collected during informal and formal complaints in accordance with its data protection policy. In particular, data collected as part of informal complaints and the sexual harassment procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the sexual harassment procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the council's Disciplinary Policy and Procedure (available on [Centranet](#)).

## Advice and support

We understand that issues around sexual harassment and victimisation can be difficult and extremely stressful for all concerned, both for colleagues who feel they

have been the victim of sexual harassment or victimisation, but also for those complained about. The council will extend the same support to all employees involved to seek to ensure that they are treated fairly, calmly and receive the appropriate help.

You may seek support from your line manager (or grandparent manager) and your trade union representation who can give informed advice in confidence. You may also seek advice from Human Resources to help you to decide which course of action to take.

## Occupational health and Employee Assistance Programme (EAP)

Support and access to confidential counselling is also available through the council's occupational health provider (see [Centranet](#)) and the Employee Assistance Programme (EAP). The EAP service is confidential and completely free to use. You can access the EAP as follows:

- By phone: 0800 111 6387 (free 24/7 helpline)
- Online: [www.my-eap.com/access](http://www.my-eap.com/access) and log-in using organisation code 'Cheshirewell'
- Live webchat support: Monday – Friday 8-6.30pm and Saturday 8-5pm  
[www.vitahealthgroup.co.uk/corporate-health-services/webchat/](http://www.vitahealthgroup.co.uk/corporate-health-services/webchat/)

More information is also available about the EAP on Centranet: [Employee Assistance Programme \(EAP\) \(cheshireeast.gov.uk\)](#).

External sources of help

[Equality Advisory and Support Service \(equalityadvisoryservice.com\)](http://equalityadvisoryservice.com)

[Protect - Speak up stop harm - Whistleblowing Homepage \(protect-advice.org.uk\)](http://protect-advice.org.uk)

[Home | Rights of Women](#)

### Useful links

Preventing sexual harassment at work: [Preventing sexual harassment at work](#)

Dignity at work: [Dignity at work \(cheshireeast.gov.uk\)](#)

Risk assessments: [Complete a risk assessment \(cheshireeast.gov.uk\)](#)

CEC Human Resources: [HR Operations \(cheshireeast.gov.uk\)](#)

Trade union contacts: [Trade Unions \(cheshireeast.gov.uk\)](#)

### Equality

The council is committed to promoting equal opportunities in employment. You (and any job applicants) will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation or caring responsibility. This means that the

application of the policy and procedure may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

### Monitoring and review

The council will monitor this policy and procedure to ensure that it is operating fairly, consistently and effectively. The policy and procedure will also be reviewed in the light of operating experience and/or changes in legislation.

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Prepared by: HR Operations

Date: October 2024

Note: This is a new policy in response to the duty to prevent sexual harassment from 26 October 2024. The new law is the Worker Protection (Amendment of Equality Act 2010) Act 2023.





## Dignity at Work Policy and Procedure

### Scope

This policy and procedure applies to all employees of Cheshire East Borough Council except school/academy-based employees. There are separate policies and procedures for school and academy employees.

This policy and procedure applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers and volunteers. It does not form part of any employee's contract of employment, and we may amend it at any time, following consultation with the recognised trade unions.

### Policy statement

The purpose of this policy and procedure is to set out the council's standards on how we behave towards each other in the workplace (including virtual settings), and to provide a framework for dealing with any bullying and harassment.

The council is committed to building a positive workplace culture and creating an inclusive and welcoming work environment where everyone is treated with dignity and respect. In particular, we will not tolerate bullying, harassment or victimisation of any kind under any circumstances. Such behaviour can not only have serious effects on individuals in terms of their mental health and wellbeing, but it can also lead to loss of morale, staff turnover, poor work performance, and undermine the reputation of the council and the level of service that we aim to provide. In certain circumstances, the behaviour may also be unlawful, placing the council at risk of legal action.

The principle underlying this policy is that you have the right to feel safe, welcome and comfortable in your day-to-day work. You have the right to enjoy a work environment that is free from bullying and harassment. You should feel empowered

to raise challenges and make complaints if you experience any behaviour that falls below this standard.

This policy and procedure explains:

- What you can expect from the council and what the council expects of you
- The behaviours you are expected to demonstrate at work
- What bullying and harassment means
- What you need to do if you think you are being bullied or harassed at work

The policy and procedure are complemented by the council's Health and Wellbeing Strategy that supports a number of health and wellbeing policies and initiatives, promoting the wellbeing of its staff and our health and safety policies that reflect the Council's duty of care to ensure health at work.

## What you can expect from the council

We will:

- Seek to ensure that your mental health and wellbeing is always treated as a priority and ensure that you are supported if you are facing such issues.
- Ensure that everyone who works for us is aware of the council's values and behaviours and their responsibilities towards each other, and understands the impact that their behaviour may have on colleagues.
- Promote a working environment where bullying and harassment is unacceptable and will not be tolerated.
- Provide sources of advice and support to help you understand what you can do if an issue arises.
- Offer access to trained, accredited mediators where mediation may help to provide a resolution.
- Provide the means for you to formally raise a complaint where it has not proved possible to resolve the issue informally or through mediation.
- Treat all complaints seriously and sensitively and ensure that they are dealt with in strictest confidence and in a consistent, fair and timely manner.
- Provide protection against victimisation for anyone raising a complaint.
- Ensure that matters raised are fully investigated and that those involved have the opportunity to put their side of the story before any decision is made.
- Ensure that managers receive training to enable them to deliver on behalf of the council and that this is properly recorded.
- Treat everyone with dignity and respect at all times.

- If issues arise with regard to the unacceptable behaviour of staff from other organisations that the council does business with, or customers or visitors to our premises, the council will take appropriate action to address such issues.

Your manager is key to enabling the Council's commitment to you.

## What the council expects of you

We expect you to:

- Act in accordance with the council's values and behaviours (available on Centranet: [Values and behaviours](#)).
- Treat everyone with dignity and respect at all times.
- Be aware of how your own behaviour may affect others and change it, if necessary – you can still cause offence even if you are “only joking”.
- Make it clear to others when you find their behaviour unacceptable, e.g. inappropriate jokes or comments.
- Challenge unacceptable behaviour, where appropriate, if you see it directed towards a colleague and promptly report any incident to stop bullying and harassment.
- Offer support to anyone who may have experienced bullying and harassment at work.
- Wherever possible, seek to resolve issues informally in the first instance, for example, by discussing the matter privately with the colleague or manager concerned.
- Submit your complaint in writing where you wish to pursue it on a formal basis. You can, of course, ask someone to help you with this.
- Treat private matters in strictest confidence and refrain from participating in, encouraging or condoning gossip related to cases of alleged or actual bullying or harassment.
- Support the council's policy by co-operating or participating if requested, for example by acting as a witness or, if you are a manager, undertaking a specific role under the procedures in line with your job responsibilities.
- Set a good example by your own behaviour and ensure a supportive and positive working environment for your team if you are a manager.

## Bullying and harassment

Bullying is offensive, intimidating, malicious or insulting behaviour and/or the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened, or causes physical or emotional harm to someone. 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. It may be obvious, or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

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 favorably 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 age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

A non-exhaustive list of examples of bullying and harassment can be seen in Appendix 1.

### **Bullying or harassment by a third party**

Where you believe that you have been bullied or harassed by a third party, for example – by an employee/agent of a supplier/partner organisation, self-employed contractor/consultant, volunteer, service user and/or a member of the general public; you should raise the matter with your manager. Your manager should investigate the matter in line with the principles of this procedure and consider what action would be appropriate to deal with the issue.

### **Sexual Harassment Prevention Duty**

From 26<sup>th</sup> October 2024 employers of any size in England, Wales and Scotland have a specific duty to take reasonable steps to prevent sexual harassment of workers in the course of their employment.

The council takes a zero-tolerance approach to sexual harassment and has a separate Sexual Harassment Policy and Procedure to follow if you have been a victim of or witnessed sexual harassment either by a colleague or a third party.

### **Exclusions**

A number of the council's HR policies (e.g. disciplinary, capability, sickness absence etc.) carry their own separate rights of appeal. In these circumstances, the relevant appeals process should be followed. This Dignity at Work Policy and Procedure should not be used to avoid or supplement those appeal processes.

The council also reserves the right to decline to open a fresh formal procedure in respect of a previous complaint made within the last 12 months which had already been investigated and heard under this procedure and the facts of the matter and/or

circumstances have not altered substantially. Further dialogue with you in these circumstances would take place.

The following concerns and complaints are also dealt with more appropriately under alternative policies and procedures:

- Complaints about the conduct of a Councillor or co-opted Member of Cheshire East Council or a Town or Parish Councillor in the Cheshire East area – they must be dealt with in accordance with the council's Member Code of Conduct by completing the Code of Conduct Complaints Form (available on the [Cheshire East Council external website](#)).
- Complaints relating to a statutory or financial matter – such concerns over which the council has no jurisdiction should be dealt with via the relevant external organisation, e.g. Pensions, HMRC (PAYE or National Insurance) etc.
- Grievances at work – other general work matters, other than dignity at work, e.g. terms and conditions of employment, health and safety matters, new working practices, working environment and/or organisational change, should be dealt with under the council's Grievance Policy and Procedure (see Centranet for further information: [Grievance](#)).

Where a formal complaint includes both dignity at work (i.e. bullying and harassment) as well as general work issues, it may be necessary for the different aspects of the complaint to be investigated and heard separately but consideration to this will be given on a case-by-case basis.

- Reporting of suspected wrongdoing or dangers in relation to council activities – (e.g. conduct which is an offence or breach of law, health and safety risks, damage to the environment, the unauthorised use of public funds, possible fraud and corruption, sexual or physical abuse of clients or other unethical conduct) should be raised and dealt with under the council's Whistleblowing Policy (see the council's [external website](#) for full details).

## Reporting incidents of bullying and harassment

If you believe that you have been bullied or harassed, we encourage you to come forward and share your concerns with us so we can resolve the matter. We will take all such complaints seriously and, providing that you acted in good faith and your complaint is genuine, you will be protected and will not be penalised or victimised in any way. Bullying and harassment can be dealt with in various ways, ranging from informal to more formal procedures as set out below.

You do not have to be a recipient or target to make a complaint about bullying or harassment. If you see it happening or become aware of any issues of bullying and harassment, you have the right to complain. Tackling bullying and harassment is everybody's responsibility.

Some people may be unaware that their behaviour in some circumstances is bullying or harassment. If it is clearly pointed out to them that their behaviour is unacceptable, the issue can sometimes be resolved. With this in mind, this policy includes an informal as well as a formal procedure to deal with complaints of bullying and harassment.

## Informal resolution

It may be possible to resolve matters informally, for example, the colleague may not know that the behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it. Consider whether you feel able to approach the person yourself or with the help of your manager, trade union representative or another colleague.

If this is too difficult, you should speak to your line manager or the HR Department, who can provide confidential advice and assistance in resolving the issue formally or informally. If you feel unable to speak to your line manager because the complaint concerns them, then you should speak informally to your grandparent manager or the HR Department. If this does not resolve the issue, you should follow the formal procedure below.

If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should initially contact your line manager or the HR Department informally for confidential advice.

While we encourage the informal resolution of complaints, we recognise that it may not always be successful in resolving the matter, or you may feel that you are not able to deal with the issue in this way or you may think the situation is too serious to be dealt with informally, in which case you may want to consider the alternative options of either mediation or making a formal complaint as set out below.

## Mediation

Sometimes it can be helpful to involve an independent third party or mediator to help resolve dignity at work issues. Mediators may be employees trained and accredited by an external mediation service who act as internal mediators in addition to their day jobs. Alternatively, they may be from an external mediation provider. They can work individually or in pairs as co-mediators. The council is committed to maintaining a panel of accredited internal mediators.

Please refer to the guidance on mediation for more information about the process (available on Centranet).

If you think that mediation may provide a suitable option to resolve a dignity at work issue, you should speak to your manager or grandparent manager in the first instance.

If the other party declines the invitation to participate in mediation, you will be informed of this. You may then wish to consider the option of making a formal complaint.

## Formal procedure

### Making a formal complaint

If your complaint has not been resolved informally or through mediation, you are dissatisfied with the informal action taken or the situation is too serious to be dealt with informally, you should raise the matter formally in writing.

If you wish to make a formal complaint of bullying or harassment, you must do so in writing by completing form DAW1 (see [Appendix 2](#)) and sending it to your Head of Service who will acknowledge your complaint within 5 working days of receipt. In some situations, we may ask you to provide further information.

### Investigation

Your Head of Service may look into your complaint themselves or they may ask another senior manager called the 'Commissioning Manager' to do this on their behalf. Your Head of Service or the Commissioning Manager will appoint an independent person to act as the 'Investigating Officer' and they will conduct an investigation to gather information. The investigation may include examination of any documentary evidence (including electronic media), and interviews with you, the person(s) involved and any relevant witnesses.

You and the person against whom the complaint is made have the right to be accompanied by a fellow CEC worker, a trade union representative or an official employed by a trade union at any formal meeting (in person and virtual) dealing with your complaint.

The investigative interview meetings may be conducted in person or remotely via a video platform (e.g. Microsoft Teams). Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable for all parties involved.

If you advise us that you have any disability related needs that need to be considered to enable you to participate in such a meeting, then we will make any reasonable adjustments that are necessary, to enable you to do so. Wherever possible, we will try to ensure that you and the person against whom the complaint is made are not required to work together while the complaint is under investigation. This could involve giving you the option of working from home, where possible, or remaining at home on special leave, if agreed. In the case of serious allegations, we may suspend the employee against whom the complaint is made for a temporary period while the investigation is being carried out.

The Investigating Officer will also meet with the person against whom the complaint is made to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.

The Investigating Officer will adopt an objective and balanced approach to the information gained as a result of the investigation and produce a detailed Dignity at Work Investigation Report. The report will be given to the Head of Service or the Commissioning Manager, who will arrange a meeting with you in order to discuss the outcome and what action, if any, should be taken. We aim to hold this meeting within 30 working days of receipt of your original complaint. You have the right to bring a colleague or a trade union representative to the meeting.

A copy of the report and the Commissioning Manager's findings will be given to you and to the person against whom the complaint is made.

### Action following investigation

If the Head of Service or the Commissioning Manager considers that bullying or harassment has occurred, prompt action will be taken to address it.

Where the bully or harasser is an employee, the matter will usually be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Policy and Procedure (available on Centranet). If the bully or harasser is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the issue.

We recognise that it is not always possible to arrive at a decisive finding of 'upheld' or 'not upheld' since employment situations are not always clear-cut. Sometimes the outcome may include an acknowledgement of your concerns and/or an agreed action plan (including mediation) to address them.

Whether or not your complaint is upheld, we will consider how best to manage and support any ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

The outcome and any action/s to be taken will be confirmed in writing.

### Appeal

If you are the person who has made the complaint, you have the right to appeal against the outcome of the investigation. If you wish to appeal, you must do so in writing, including the reasons for the appeal, within 10 working days of receipt of the letter confirming the decision and send it to your Executive Director in the first instance. Your appeal letter should clearly state the full grounds of your appeal, i.e. the basis on which you consider that your grievance has not been satisfactorily resolved. If your grounds of appeal are unclear, we may ask you to clarify these before we hold a dignity at work appeal hearing.

Appeals will be dealt with impartially and heard by the Staffing Appeals Sub-Committee (three Councillors, established on an ad hoc basis in consultation with



the Chair of the Corporate Policy Committee, in accordance with [Council Constitution](#)) and will take place no less than 30 working days following the receipt of your appeal.

You will be given the opportunity to put forward your case and explain why you are not satisfied with the outcome. You have the right to be accompanied by a fellow CEC worker, a trade union representative or an official employed by a trade union.

The decision by the Staffing Appeals Sub-Committee will be final. This is the end of the internal procedure and there is no further appeal.

### Malicious or vexatious complaints

We accept that all formal complaints should be accepted in good faith and investigated accordingly. However, where an investigation finds that any employee deliberately provided false information or otherwise acts in bad faith as part of an investigation, they may be subject to action under our Disciplinary Procedure.

### Timescales

In the best interests of both the employee who has raised the complaint and the person against whom the complaint is made, it is important that the investigation and resolution of the complaint are completed as promptly as possible and should be notified of the estimated timescales.

You are encouraged to raise complaints within three months of the event occurring, or final event where there is a sequence of events. However, this should not deter you from highlighting issues which occurred prior to this timescale, which form a sequence or pattern of events and give substance to the complaint.

All those involved in the Dignity at Work process must give appropriate priority to the complaint and adhere to any specified time limits to enable expedition of the process.

Exceptionally, there may be circumstances where it may be necessary to extend timescales. In these circumstances, you will be updated on a regular basis on the progress and any revised timescales.

### Recording of meetings

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by us to take notes.

You, or any person acting on your behalf, are not normally permitted to record electronically any meeting that we hold under the dignity at work procedure. This is to encourage openness and full participation. Any breach of this provision may lead to disciplinary action.

In certain limited circumstances, we may permit a meeting to be recorded electronically, for example where it is a reasonable adjustment for an employee with

a disability. If recording a meeting is required for adjustment purposes, this should be raised with HR at the earliest opportunity.

Where we intend to record meetings held remotely, we will comply with our data protection obligations and obtain prior consent from all attendees.

## Data protection

The council processes personal data collected during informal and formal complaints in accordance with its data protection policy. In particular, data collected as part of informal complaints and the dignity at work procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the dignity at work procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the council's Disciplinary Policy and Procedure (available on Centranet).

## Advice and support

We recognise that issues around bullying and harassment can be difficult and extremely stressful for all concerned, both for colleagues who feel they have been the victim of bullying or harassment, but also for those complained about. The council will extend the same support to all employees involved to seek to ensure that they are treated fairly, calmly and receive the appropriate help.

You may seek support from your line manager (or grandparent manager) and your trade union representative who can give informed advice in confidence. You may also seek advice from Human Resources to help you to decide which course of action to take. Support and access to confidential counselling is also available through the Council's occupational health provider and the Employee Assistance Programme (EAP) – contact details are available on Centranet: [Employee Assistance Programme \(EAP\)](#).

## Equality

The council is committed to promoting equal opportunities in employment. You (and any job applicants) will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation or caring responsibility. This means that the application of the policy and procedure may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

## Monitoring and review

The council will monitor this policy and procedure to ensure that it is operating fairly, consistently and effectively. The policy and procedure will also be reviewed in the light of operating experience and/or changes in legislation.

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Prepared by: HR Operations

Date: April 2018

Reviewed: October 2024

Revisions:

- (1) Included 'Scope' section to provide clarity on which employees this policy and procedure relates to (see page 1). This is also consistent with the layout of more recently updated HR policies and procedures.
- (2) In response to new ways of working, reference to virtual settings and meetings has been included throughout the document.
- (3) Updated expectations in line with standard expectations in more recently updated HR policies and procedures (see page 2 and 3).
- (4) Updated definition of bullying and harassment (see pages 4 and 5) and the examples in Appendix 1 (see pages 16 and 17).
- (5) Included section on 'Bullying and Harassment by Third Party' – employees should raise these issues with their manager so it can be investigated in line with the principles of this procedure (see page 5).
- (6) Included section "Sexual Harassment Prevention Duty", referring to the new Sexual Harassment Policy and Procedure (see page 4)
- (7) Changed section on 'Alternative Routes' to 'Exclusions', and in light of operating experience, included that the Council reserves the right to decline to open a fresh formal procedure in respect of a previous complaint made within the last 12 months which had already been investigated and heard under this procedure and the facts of the matter and/or circumstances have not altered substantially (see page 5). Grievances/complaints involving members changed to 'complaints about the conduct of a Councillor or co-opted Member of CEC or a Town or Parish Councillor in the Cheshire East area' – these are all dealt with in accordance with Member Code of Conduct (see page 5).
- (8) New section on 'Reporting Incidents of Bullying and Harassment' (see pages 6 and 7).
- (9) Section on 'Informal Resolution' has been expanded – procedure includes speaking to management or HR if an

employee is unable to approach the person against whom the complaint is made directly (see page 7).

(10) The policy section on 'Mediation' has been summarised and a link to a specific guidance note on mediation has been included (see pages 7 and 8).

(11) Expanded section on 'Formal Procedure' as follows - Wherever possible, the employee and the person against whom the complaint is made will not be required to work together while the complaint is under investigation (see page 9).

Procedure now includes a meeting with the Head of Service (or Commissioning Manager) and employee to discuss the outcome and what action, if any, should be taken (see page 10) – before a final decision on the outcome is made.

A copy of the investigation report and the Commissioning Manager's findings will be given to the employee and to the person against whom the complaint is made.

More detail included in the action following investigation – it's not always possible to arrive at a decisive finding so sometimes the outcome may include an acknowledgement of the employee's concerns and/or an agreed action plan (including mediation) to address them, and how best to manage any ongoing working relationship will be considered

(12) Removed grounds for appeal to avoid denying anyone the right to appeal (see page 11).

(13) The Staffing Appeals Sub-Committee has been updated to reflect new arrangements under the Committee Structure (see page 11).

(14) New sections included on 'Timescales' (see page 12) and 'Recording of Meetings' (see page 12).

(15) Form to make a formal Dignity at Work complaint (DAW1) has been updated to include more detail and includes a declaration (see Appendix 2).

## Appendix 1 – Examples of bullying and harassment

Examples of bullying can include (but are not limited to):

- Spreading malicious rumours or insulting someone
- Cyber-bullying, e.g. sending detrimental messages or posting malicious comments/images of colleagues on social media
- Ridiculing someone
- Putting an individual down in meetings
- Someone giving you a heavier workload than everyone else
- Someone has put humiliating, offensive or threatening comments or photos on social media
- Someone at the same or more junior level as you keeps undermining your authority
- Excluding someone from social activities
- Isolation or non-cooperation at work
- Picking on someone or setting them up to fail, e.g. by imposing unrealistic targets or changing priorities unreasonably
- Shouting and/or swearing at someone or the use of obscene gestures
- Persistent negative and unwarranted criticism and consistently undermining someone and their ability to do their job; and any other inappropriate and manipulative behaviour (known as 'Gaslighting' – see [National Bullying Helpline](#)).

Bullying can also happen from an employee towards a more senior employee, a manager or an employer (this can be called 'upward bullying' or 'subordinate bullying'). It can be from one employee or a group of employees.

Examples of upward bullying can include:

- Showing continued disrespect
- Refusing to complete tasks
- Spreading rumours
- Doing things to make you seem unskilled or unable to do your job properly

Examples of harassment can include (but are not limited to):

- Unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing
- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome

- Sending or displaying material that is pornographic or that some people may find offensive (including emails, messages, video clips and images sent by mobile phone or posted on the internet)
- Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless)
- Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender
- Outing or threatening to out someone for their sexual orientation
- Offensive emails, messages or social media content
- 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 by racist jokes about a different ethnic group if the jokes create an offensive environment.

## Appendix 2 - Form to make a formal dignity at work complaint (DAW1)

This form should be used where you wish to make a formal complaint of bullying or harassment under the council's Dignity at Work Policy and Procedure. Please send the completed form to your Head of Service in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

Formal complaint of bullying or harassment	
Employee's name:	
Employee's job title:	
Employee's service and team	
Name of line manager:	
Trade Union (if a member):	
Date:	
Does your complaint relate to your line manager?	Yes/No
Summary of complaint:	
Please set out the details of your complaint on the following page including (stick to the facts and avoid language that is insulting or abusive):	
<ul style="list-style-type: none"><li>• the name of the person(s) the complaint is about</li><li>• the nature of their behaviour</li><li>• where possible details of specific incidents</li><li>• names of witnesses to any incidents</li><li>• any action already taken by you (the complainant) to stop the behaviour; and</li><li>• details of the outcome you are seeking.</li></ul>	
You may attach a separate sheet if necessary)	

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Declaration:
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I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me.
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Form completed by:	
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Signature*:	
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\*Note: Electronic signatures are acceptable providing that the form is being sent directly from the employee raising the formal complaint.





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brighter future  
together*

## Equality, Diversity and Inclusion Policy – Employment and Recruitment

### Scope

This policy applies to all employees of Cheshire East Borough Council except school/academy-based employees. There are separate policies and procedures for school and academy employees.

This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers and volunteers. It does not form part of any employee's contract of employment and we may amend it at any time.

### Policy statement

Cheshire East Council understands each of us is unique, whether in terms of our background, personal characteristics, experience, skills or motivations and we value our staff and communities for the diversity they bring. Our aim is to make equality an integral part of the way the council works by putting it at the centre of everything we do. We are committed to celebrating diversity and promoting equality as an employer, in the services we provide, in the partnerships we have and in the decisions we take.

We recognise that promoting equality, diversity and inclusion will improve public services for everyone and we want Cheshire East to be an area of equal opportunity, where everyone has a fair chance and people from all backgrounds take part in community life. With this in mind, we have an agreed set of equality objectives and encourage everyone to promote universal engagement and community resilience by championing equality, diversity and inclusion.

The purpose of this policy is to set out the council's commitment and approach to equality, diversity and inclusion in respect of its role as an employer, as a provider of services to the residents of Cheshire East and the avoidance of discrimination.

The council is committed to promoting equal opportunities in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, disciplinary process and redundancy decisions. You (and any job applicants) will receive equal treatment regardless of age, sex, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sexual orientation or caring responsibility. This means that the application of the council's policies may need to be adjusted to cater for the specific needs of an individual, providing reasonable adjustments where necessary and supporting existing employees.

The policy is complemented by the council's Health and Wellbeing Strategy that supports a number of health and wellbeing policies and initiatives promoting the wellbeing of its staff, and our health and safety policies that reflect the council's duty of care to ensure health at work.

## What you can expect from the council

We will:

- Seek to ensure that your mental health and wellbeing is always treated as a priority and ensure that you are supported if you are facing such issues.
- Commit to promoting a working environment based on dignity, trust and respect, and one that is free from discrimination, harassment, bullying or victimisation.
- Ensure that our recruitment, promotion and retention procedures do not treat you less favourably based on your age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation ([Protected Characteristics Equality Act 2010](#)).
- Respect the confidentiality of all information relating to your personal circumstances in line with HR practice and data protection legislation.
- Recognise that people can have more than one protected characteristic, and we will work to prevent all forms of discrimination.
- Support the wider equality, diversity and inclusion agenda to ensure equality of opportunity in employment for all to improve public services.
- Ensure that managers receive training on recognising and avoiding discrimination, to enable them to understand and support their staff on behalf of the council and that this is properly recorded.
- Provide training and regularly review training needs to ensure that you understand and promote equality of opportunity and anti-discriminatory practice in your work.
- Provide you with the opportunity to join or form a staff network group to provide support and engagement for those with protected characteristics and allies.

- Listen, respond and act appropriately and in a timely manner when you tell us about something that is inappropriate or wrong.

Your manager is key to enabling the council's commitment to you.

## What the council expects of you

We expect you to:

- Treat colleagues and residents fairly and with dignity, trust and respect, working co-operatively with colleagues.
- Assist the council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination by following and adhering fully to council policies, procedures and good practice.
- Undertake regular equality, diversity and inclusion training provided by the council.
- Tell your manager if you see or experience anything that is inappropriate or wrong so that the issue or your complaint may be properly investigated in a timely manner and, if appropriate, action taken. In the event that you are not satisfied with the outcome and response from your manager, you should refer the issue up to your grandparent manager.
- Act reasonably and co-operate with the terms of the policy.

## Discrimination

Discrimination is the unfair or prejudicial treatment of people and groups based on specific characteristics. The Equality Act 2010 prohibits discrimination based on certain protected characteristics - age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation.

Discrimination can be intentional or unintentional and may occur directly, indirectly, by association or by perception. There are also two specific types of discrimination that apply only to disability: discrimination arising from disability and failing to make reasonable adjustments (See Definitions below).

Discrimination is not always obvious and can be subtle and unconscious. This stems from a person's general assumptions about the abilities, interests and characteristics of a particular group that influences how you treat them, known as unconscious bias. Such assumptions or prejudices may cause you to apply requirements or conditions that put those in particular groups at a disadvantage. This may include steering someone towards a particular type of work based on assumptions about them or using different standards to judge their performance.

You must not unlawfully discriminate against or harass other people, including current and former employees, job applicants, clients, customers, suppliers and visitors.

## Harassment, Victimisation and Bullying

Harassment includes sexual harassment and other conduct related to a protected characteristic which has the purpose or effect of violating a person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment for them.

Victimisation is treating someone badly either because they have made a complaint of discrimination or harassment, or because they have supported someone else who has.

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened, or cause physical or emotional harm to someone.

The council has a full range of procedures in place to protect you from any kind of discrimination (whether direct or indirect) bullying, harassment, victimisation or disability discrimination. If you are subjected to unlawful or unacceptable discrimination in the course of your employment you will be fully supported, and you may raise a complaint with your line manager or make use of the [Grievance](#), [Dignity at Work](#) or [Recruitment Complaint procedures](#), available on Centranet.

## Equal opportunities in employment

The council is committed to promoting equal opportunities in all aspects of employment including recruitment, promotion, training opportunities, pay and benefits, disciplinary processes and for redundancy decisions.

We provide a fair pay structure, agile working styles and flexible working arrangements available to support you (including if you are a parent or carer), as well as established consultative and negotiating links with the trade unions and the opportunity for you to join a trade union.

## Recruitment and Selection

As part of the council's commitment to equal opportunities, our recruitment and selection processes and procedures are regularly reviewed to ensure they are appropriate and as inclusive as possible. Selection exercises such as in recruitment, promotion and redundancy will be conducted on the basis of merit, against objective criteria that avoids discrimination.

The council ensures:

- A named person and contact information is included on all of our job adverts to allow applicants to request support and/or ask questions.
- Person specifications and job descriptions are limited to those requirements that are necessary for the effective performance of the job.
- Individuals are selected and promoted based on their relevant merits and abilities.

- Candidates for employment or promotion are assessed objectively against the relevant person specification/job description, taking into account any reasonable adjustments that may be required for candidates with a disability.

The council will also:

- Monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs, and the number of people with protected characteristics within these groups. We will also consider and address any barriers that may be identified as preventing or deterring applicants because of the monitoring and evaluation process.
- Develop links with community groups and organisations as a means of widening employment opportunities.

If you are involved with recruitment and selection, you have a responsibility to ensure that you have received the appropriate training to enable you to act in a fair and lawful manner, ensuring any stereotypes, unconscious bias or prejudice do not play a part in the process and that no unlawful act of unfair discrimination occurs.

## Equality, Diversity & Inclusion (EDI) board and equality champions

The council will provide an EDI Board and Equality Champions to support, promote and champion Equality, Diversity and Inclusion. The role of Equality Champions is to raise awareness of Equality, Diversity and Inclusion and share best practice and celebrate diversity across the council and the community in Cheshire East, and this will be supported by the EDI Board. More information about the [Equality Champions](#) is available on Centranet.

## Equality and diversity staff network groups

The Council has a range of equality and diversity staff network groups, run by staff, that provide peer support to colleagues that identify with one or more of the protected characteristics. Each of the groups meet regularly and provide its members with an opportunity to influence what happens in equality, diversity and inclusion at the council. More information on the [staff network groups](#) is available on Centranet.

## Allocated time to undertake staff network duties

To facilitate the participation in staff network groups, you are entitled to paid time allowance to organise activities as follows:

- Chairperson – 1 day per month
- Co-ordinating Committee Members and Vice Chairs – 3 hours per month
- Any additional projects or other work in line with the EDI strategy to be raised with the EDI Board Chair and agreed on a case-by-case basis.

If the Chair of a staff network group is absent (for whatever reason) the Vice Chair of the group may take the equivalent of the Chair's paid time allowance if there is an upcoming event.

Staff are encouraged to attend staff network groups with the support of their manager and managers should allow staff time to attend activities as much as practically possible.

## Termination of employment

We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory. For specific details of redundancy procedures, please see the relevant policies.

We will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

## Training

The council will provide you with annual training on dignity at work and equality in the workplace, to help you to understand your rights and responsibilities, and what you can do to help create a working environment free of discrimination, where everyone feels they belong and are able to thrive.

The council also provides training to managers and others likely to be involved in recruitment or other decision making where issues of unconscious bias may arise. More information about [equality, diversity and inclusion training](#) is available on Centranet.

Staff training needs will be identified through regular one to one and performance development conversations, which will be based entirely on an objective assessment of performance and will not be influenced by any Protected Characteristics that you may have. You will be given appropriate access to training to enable you to progress within the organisation and all promotion decisions will be made on the basis of merit.

## Disabilities, help and support

If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.

If you experience difficulties at work because of your disability, you may wish to contact your line manager or HR to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager or HR 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.

If you need help and support, further information can be found in the [Wellbeing Policy](#), available on Centranet.

## Breach of this policy

We take a strict approach to breaches of this policy, which will be dealt with in accordance with our Disciplinary Procedure. Serious cases of deliberate discrimination and victimisation may amount to gross misconduct resulting in dismissal.

If you believe that you have suffered harassment, bullying or discrimination, or witnessed it happening to someone else in the workplace, you can raise the matter through our Grievance Procedure or Dignity At Work Policy as appropriate. Complaints will be treated in confidence and investigated as appropriate.

There must be no victimisation or retaliation against staff who complain about or report discrimination. If you believe you have been victimised for making a complaint or report of discrimination, or have witnessed it happening to someone else in the workplace, you should raise this through the [Dignity at Work](#) or [Grievance Policy](#), available on Centranet.

We encourage the reporting of all types of potential discrimination, as this assists us in ensuring that diversity, equity and inclusion principles are adhered to in the workplace. However, making a false allegation in bad faith, or that you know to be untrue, will be treated as misconduct and dealt with under our Disciplinary Policy and Procedure.

## Data protection

The council processes personal data, including information about your health, in accordance with its data protection policy. Inappropriate access or disclosure of your data constitutes a data breach and should be reported immediately in accordance with the council's data protection policy. It may also constitute a disciplinary offence, which will be dealt with under the council's disciplinary procedure.

## Monitoring and review

The council will monitor this policy to ensure that it is operating fairly, consistently and effectively. The policy will be reviewed in the light of operating experience and/or changes in legislation.

## Definitions

- **Protected Characteristics** – it is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation. These are known as “protected characteristics”.
- **Direct discrimination** – treating someone less favourably because of a protected characteristic compared with someone who does not have that characteristic.
- **Indirect discrimination** – where a way working that applies to everyone puts people with a particular characteristic at a disadvantage, compared with people who do not have that characteristic, unless there is reasonable justification.
- **Associative discrimination** – treating someone less favourably because they have an association with someone who has a protected characteristic.
- **Discrimination by perception** – treating someone less favourably because you perceive them to have a protected characteristic, even if they do not.
- **Discrimination arising from disability** – treating someone unfavourably because of something connected with that person’s disability and where such treatment is not justified.
- **Failing to make reasonable adjustments** – employers are legally obliged to make reasonable adjustments to ensure that aspects of employment or the employer’s premises, do not put a disabled person at a substantial disadvantage.

Prepared by: HR Operations

Date: July 2019

Revised: January 2022

Reviewed: November 2024

Revisions: (1) Policy name changed from “Equality in Employment” to “Equality, Diversity and Inclusion Policy – employment and recruitment”.

(2) Policy Statement updated in line with the change to an equality, diversity and inclusion policy with a wider focus.



- (3) "Discrimination" section added, including further information on harassment, victimisation and bullying.
- (4) "Equality and Diversity Staff Network Groups" section included.
- (5) "Termination of employment" section added.
- (6) "Disabilities, help and support" section added.
- (7) "Breaches of this policy" section included.
- (8) "Data Protection" section added.
- (9) "Definitions" section extended for clarity.