Hockley Heath Parish Council

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Councillor Harassment, Abuse and Intimidation Support Policy

For Hockley Heath Parish Council

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Document Information

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Contents:

1. **Purpose**
2. **Scope**
3. **Matters Outside the Scope of this Policy**
4. **Legitimate Challenge and Unacceptable Behaviour**
5. **What a Councillor Should Do**
6. **Reporting a concern to the Parish Council**
7. **Personal Safety and Wider Circumstances**
8. **Allegations and the reputation of the Parish Council**
9. **Parish Council Response and Support**
10. **Council Meetings**
11. **Correspondence and Social Media**
12. **Records, Confidentiality and Information Sharing**
13. **Councillor Responsibilities**
14. **Supporting Positive Engagement**

1. Policy Purpose

Hockley Heath Parish Council believes that Councillors should be able to undertake their public duties without being subjected to harassment, abuse, threats or intimidation.
This policy provides guidance and support for Councillors who experience unacceptable behaviour arising from, or affecting, their role as a Parish Councillor. It also sets out the reasonable and proportionate measures the Parish Council may take to protect Councillors and support the safe and effective conduct of Council business.
The Parish Council recognises that Councillors are accountable to the community and that members of the public are entitled to question, challenge and criticise Council decisions and the actions of elected representatives.
Reasonable criticism, disagreement or complaint, when expressed appropriately, will not in itself constitute harassment, abuse or intimidation.

2. Scope

This policy primarily applies where a Councillor experiences harassment, abuse or intimidation from a third party while undertaking, or arising from, their role as a member of Hockley Heath Parish Council.

A third party may include:

- a resident or member of the public;
- a contractor, supplier or consultant;
- a representative of another organisation;
- a service user or hirer; or
- any other person with whom a Councillor has contact through their Council role.

The behaviour may occur:

- in person;
- at or in connection with a Council meeting or activity;
- by telephone;
- through correspondence or email;
- through social media or another online platform; or
- while travelling to or from Council business.

3. Matters Outside the Scope of this Policy

This policy does not replace:

- the Councillor Code of Conduct;
- the statutory standards arrangements for considering allegations of Councillor misconduct; reporting such allegation to the Monitoring Officer at Solihull Council;
- the Parish Council's employment policies and procedures;
- the Council's complaints procedure; or
- any criminal or civil process undertaken by the police, courts or another appropriate body.

Where an allegation concerns the conduct of a Councillor acting in their capacity as a Councillor and may amount to a breach of the Code of Conduct, the matter should be referred to the Monitoring Officer at Solihull Council.

The Councillor Code of Conduct is the principal mechanism for maintaining standards of Councillor conduct. Sector-specific guidance covers bullying, harassment, discrimination and conduct that may affect the Council's reputation.

The Parish Council will not use this policy to investigate or determine matters that properly fall outside the remit of this policy.

4. Legitimate Challenge and Unacceptable Behaviour

Depending on its nature, seriousness, frequency and context, unacceptable behaviour may include:

- threats or threatening behaviour;
- violence or threatened violence;
- abusive, aggressive or intimidating language or conduct;
- discriminatory abuse;
- harassment or persistent unwanted contact;
- stalking, unwanted following or loitering;
- malicious, indecent, grossly offensive or threatening communications;
- publication or distribution of personal information with the intention of causing harm or intimidation;
- deliberate disruption intended to prevent a Councillor from carrying out their public role;
- attempts to coerce a Councillor into taking, or refraining from taking, a particular action through threats or intimidation; or
- other behaviour that gives rise to a reasonable concern for a Councillor's safety.

Conduct must be considered in context. Communication does not necessarily become harassment, abuse or intimidation merely because it is persistent, strongly worded, critical or uncomfortable.

5. What a Councillor Should Do

A Councillor experiencing behaviour that causes concern should prioritise personal safety.

Depending on the circumstances, and where it is safe to do so, the Councillor may:

- make clear that the behaviour is unacceptable and ask for it to stop;
- disengage from or end the communication;
- leave the location or seek assistance;
- retain relevant correspondence, screenshots, recordings or other evidence;
- record the date, time, location, nature of the incident and any witnesses;
- notify the Clerk and/or Chair;
- report inappropriate online content to the relevant platform;
- seek advice from an appropriate support organisation; or
- report the matter to the police or another relevant authority.

Where there is an immediate risk to personal safety or an emergency, the Councillor should telephone **999**.

The Councillor should not take photographs, make recordings, confront an individual or gather evidence where doing so could place the Councillor or another person at risk.

6. Reporting a concern to the Parish Council

A Councillor may report an incident or continuing concern to the Clerk and/or Chair.

Where the concern relates to the Clerk or Chair, it may be reported to the Vice-Chair or another appropriate Councillor.

The report should provide sufficient information to enable the Parish Council to understand:

- what happened;
- when and where it occurred;
- whether the behaviour is continuing;
- whether there is an immediate or continuing safety concern;
- whether the police or another authority has been contacted; and
- what support or action the Councillor is requesting from the Parish Council.

The Parish Council will not require the Councillor to provide unnecessary personal information or repeat distressing details where they are not relevant to the action being considered.

7. Personal Safety and Wider Circumstances

A Councillor may experience harassment, threats, intimidation or other personal safety concerns arising from circumstances unconnected with their role as a Parish Councillor. Such matters will not ordinarily fall within the scope of this policy.

However, where those circumstances affect, or may reasonably affect, the Councillor's personal safety when carrying out Council duties, attendance at Council meetings, travel to or from Council meetings, or the safe and effective conduct of Council business, the Parish Council may consider reasonable and proportionate measures to manage those implications and support the Councillor.

The Parish Council will not normally become involved in, investigate or seek to determine an underlying private dispute or allegation that falls outside its remit. Where appropriate, the Councillor should seek advice or assistance from the police or other relevant body.

8. Allegations and the reputation of the Parish Council

Where allegations or circumstances concerning a Councillor have wider implications for the reputation or proper functioning of the Parish Council, the Council may consider what proportionate steps are necessary to protect public confidence and the effective conduct of Council business:

- support the continuation of Council business;
- protect Councillors, employees and members of the public;
- maintain appropriate governance arrangements; and
- preserve public confidence in the Parish Council as a corporate body.

In doing so, the Parish Council will:

- maintain an impartial and neutral position;
- distinguish allegations from established facts;
- avoid unnecessarily repeating or publishing allegations;
- have regard to confidentiality and data protection;
- not prejudge any police, standards, regulatory or legal process; and
- not seek to determine matters falling outside its remit.

Any public statement, where considered necessary, will be factual, proportionate and limited to matters properly concerning the Parish Council.

Where a matter may constitute a breach of the Councillor Code of Conduct, it should be referred to the Monitoring Officer at Solihull Metropolitan Borough Council and dealt with through the appropriate standards process.

9. Parish Council Response

The Parish Council will consider each reported matter according to its circumstances. Any action taken will be reasonable and proportionate to the nature, seriousness and continuing risk of the behaviour.

Possible steps may include:

- providing the Councillor with an appropriate point of contact;
- reviewing arrangements for meetings, events or other Council activities;
- considering practical measures relating to arrival, departure or attendance;
- avoiding unnecessary publication of personal contact information;
- agreeing how future communication with an individual should be managed;
- warning an individual that behaviour is unacceptable;
- limiting the format or channel of communication where reasonably necessary;
- blocking or reporting abusive online accounts or content where appropriate;
- retaining relevant evidence and records;
- seeking appropriate professional, legal, regulatory or sector advice where considered necessary;
- referring the matter to the Monitoring Officer or another relevant authority; or
- supporting the Councillor in reporting serious conduct to the police.

The Parish Council cannot guarantee that all risks will be eliminated and will not provide legal representation or financial assistance unless this has been lawfully authorised.

The Parish Council will consider the circumstances of each case and, where appropriate, take reasonable and proportionate steps to support the Councillor and manage any identified risks.

10. Council meetings

The Chair is responsible for maintaining the orderly conduct of Council meetings in accordance with the Council's Standing Orders. If the Chair is absent, the Vice-Chair will preside. If both the Chair and Vice-Chair are absent, the Councillors present will appoint one of their number to preside over the meeting.

Where a person's behaviour disrupts a meeting or creates a safety concern, proportionate action may include:

- reminding the person of the standards of behaviour expected;
- asking the person to moderate or stop the behaviour;
- ending or limiting public participation in accordance with Standing Orders;
- requesting that the person leave the meeting;
- temporarily adjourning or closing the meeting; or
- contacting the police where there is a threat, immediate safety concern or refusal to comply with a lawful request to leave.

The response will depend on the seriousness and circumstances of the behaviour. A prior warning may not be appropriate where there is an immediate or serious risk.

11. Correspondence and social media

The Parish Council supports open and constructive communication with residents. However, Councillors and employees are not required to tolerate abusive, threatening or intimidating communications.

Where appropriate, the Parish Council may:

- advise the sender that the communication is unacceptable;
- ask that future communication is respectful and relevant;
- designate a single point or method of contact;
- decline to engage with abusive or repetitive content while continuing to address any legitimate underlying issue;
- apply an adopted unreasonable or persistent complainant policy where its criteria are met;
- remove, hide, block or report social-media content or accounts in accordance with the Council's social-media arrangements; or
- refer threatening or potentially unlawful communications to the police or platform provider.

Action will not be taken merely because correspondence is critical of the Parish Council or a Councillor.

12. Records, confidentiality and information sharing

The Parish Council may record and retain relevant information where there is a lawful and legitimate reason to do so.

Records will be:

- factual and objective;
- limited to information reasonably necessary;
- held securely;
- accessible only to those with a legitimate need to know; and
- retained in accordance with the Council's data protection, GDPR and document retention arrangements.

Information may be shared with the police, Monitoring Officer, insurer, legal adviser or another appropriate body where there is a lawful basis and a legitimate need to do so.

The Parish Council will avoid unnecessary circulation of personal information or details of allegations among Councillors.

13. Councillor responsibilities

Councillors using this policy are expected to:

- act honestly and provide an accurate account of relevant events;
- retain appropriate evidence where it is safe to do so;
- respect confidentiality and any ongoing investigation;
- avoid publishing allegations or confidential details unnecessarily;
- cooperate with any legitimate police, standards or other formal process;
- continue to comply with the Councillor Code of Conduct; and
- avoid taking action in the name of the Parish Council unless authorised to do so.

Support provided under this policy does not indicate that the Parish Council has reached a conclusion about any disputed facts or allegations.

14. Supporting Positive Engagement

The Parish Council is committed to open, respectful and constructive engagement with residents.

Nothing in this policy is intended to discourage legitimate scrutiny, disagreement, complaint or participation in local democracy. The purpose of the policy is to ensure that legitimate challenge can take place without Councillors being expected to tolerate harassment, abuse, threats or intimidation.