

Employment Rights Act 2025 and Bullying & Harassment Risk Management

Presentations delivered at the Mulberry Local Authority Services Clerks Networking Day on 10 September 2026 highlighted increasing legal, financial, governance and reputational risks facing parish councils. The Council, as an employer, has a legal duty of care to safeguard employees' health, safety and wellbeing. Failure to address bullying, harassment or poor employment practices can lead to grievances, stress-related absence, resignations, recruitment difficulties, tribunal claims, settlement agreements, personal injury claims and reputational damage. Cases such as *Harvey v Ledbury* and *Walker v Northumberland County Council* illustrate the potential consequences of failing to manage councillor conduct and employee welfare appropriately.

Key employment law changes include:

- Employment Tribunal claim periods increasing from 3 to 6 months from October 2026.
- A strengthened duty to take "all reasonable steps" to prevent sexual harassment, including harassment by councillors, members of the public, contractors and suppliers.
- Reduction of the qualifying period for unfair dismissal claims from two years to six months from January 2027.
- Removal of the unfair dismissal compensation cap, increasing potential financial exposure.
- Greater importance of maintaining accurate HR records, documentation and fair procedures.

Bullying and Harassment Safeguarding Measures

Recommendations arising from this session included:

- Mandatory HR, bullying and harassment training for councillors, particularly those involved in staffing matters.
- Require all councillor-officer communication to take place through official council email accounts to ensure traceability and audit trails.
- Chaperoning and witnessed meetings where concerns have been raised.
- Restrict unsupervised contact where there are ongoing or allegations or safeguarding concerns
- Prompt investigation of complaints and referral of councillor conduct matters to the Monitoring Officer through the standards regime.
- Independent external investigations where impartiality is required.
- Regular review of harassment, grievance, equality and dignity-at-work policies.
- Seeking legal advice where behaviour amounts to bullying, harassment or intimidation.
- Considering injunctions in persistent cases and understanding the potential relevance of defamation law where false allegations are made against staff.

Recommendation to Review;

- Grievance Policy
- Disciplinary Policy
- Equality and Diversity Policy
- Performance Management Policy
- Code of Conduct
- Employment Contract
- Also consider adoption of a Vexatious, Persistent and Unreasonable Complaints/Behaviour Policy