

Agenda

Appointments and Conditions of Service Committee

Date: **Wednesday 18 June 2025**

Time: **10.00 am**

Place: **Council Chamber**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3844

Appointments and Conditions of Service Committee

Membership

| | |
|-------------------|--------------------------------|
| Chair | Councillor John Clarke |
| Vice-Chair | Councillor Jenny Hollingsworth |
| | Councillor Michael Adams |
| | Councillor David Ellis |
| | Councillor Paul Hughes |
| | Councillor Marje Paling |
| | Councillor Viv McCrossen |

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Responsibility of committee:

- 1) To conduct the process of appointment, dismissal or taking disciplinary action in respect of the Chief Executive and Head of Paid Service and make recommendations to full Council in relation to appointment and dismissal.
- 2) Power to suspend the Chief Executive pending an investigation and to appoint an independent investigator to conduct an investigation in relation to allegations concerning the Chief Executive.
- 3) To determine appropriate disciplinary action, short of dismissal, in respect of the Head of Paid Service.
- 4) To appoint Statutory Chief Officers and non-Statutory Chief Officers.
- 5) To dismiss or take disciplinary action in respect of Chief Officers, other than the Head of Paid Service, Monitoring Officer or Chief Financial Officer.
- 6) To conduct the process of dismissal or taking disciplinary action in respect of the Monitoring Officer or Chief Financial Officer. To determine appropriate disciplinary action, short of dismissal, and make recommendations to full Council in relation to dismissal.
- 7) To approve corporate employment policies which form the terms and conditions of Council employees and determine the standard terms and conditions on which employees hold office including procedures for disciplinary action and dismissal.

- 8) To appoint Proper Officers, other than where such appointment is reserved to full Council.
- 9) To designate an Officer as Chief Financial Officer.
- 10) To designate an Officer as Head of Paid Service and to ensure the provision of sufficient staff and other resources.
- 11) To designate an Officer as Monitoring Officer and to ensure the provision of sufficient staff and other resources.
- 12) To provide staff and other resources to a person nominated by the Monitoring Officer.
- 13) To approve any proposals for significant restructuring of the Council's management structure proposed by the Chief Executive.
- 14) To approve any proposals from the Chief Executive for any changes to salary levels (including ranges of salaries) for the Chief Executive and Chief Officers.

AGENDA

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| 1 | Apologies for absence and substitutions | |
| 2 | To approve, as a correct record, the minutes of the meeting held on 19 March 2025 | 5 - 6 |
| 3 | Declaration of interests | |
| 4 | Review of DBS Policy Report of the Assistant Director of Workforce. | 7 - 27 |
| 5 | Policy Updates on Sexual Harassment A report of the Assistant Director of Workforce. | 29 - 58 |
| 6 | Delegated Authority to Launch HR Policies A report of the Monitoring Officer and Deputy Chief Executive. | 59 - 61 |
| 7 | Directors Performance Related Pay Review A report of the Chief Executive (presented by the Assistant Director of Workforce). | 63 - 67 |
| 7 | Exclusion of the Press and Public | |
| 8 | Any other item which the Chair considers urgent | |

MINUTES APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

Wednesday 19 March 2025

Councillor John Clarke (Chair)

Councillor Michael Adams
Councillor Paul Hughes
Councillor Jenny Hollingsworth

Councillor Marje Paling
Councillor Viv McCrossen

Officers in Attendance: M Hill, S Troman, F Whyley, J Lovett and E McGinlay

22 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

None.

23 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 13 FEBRUARY 2025

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

24 DECLARATION OF INTERESTS

None.

25 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT

None.

26 EXCLUSION OF THE PRESS AND PUBLIC

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(a)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing report on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12a of the Local Government Act 1972.

27 CONSULTATION FEEDBACK: STAFFING REVIEW - WASTE, PARKS, FLEET AND STREET CARE

Consideration was given to a report presented by the Deputy Chief Executive which provided feedback to the Committee received from employees and trade unions following the consultation period on the

Staffing Review.

RESOLVED:

- 1) That the consultation comments from affected employees and trade unions were reviewed; and
- 2) To note that due to timing of the JCSC meeting ahead of the issuing of papers for this ACSC meeting, any last-minute comments for the JCSC were shared with the ACSC meeting for consideration, before final approval of the staffing review is granted; and
- 3) To note following the approval of the ACSC committee of the staffing review, the Appeals & Retirements Committee may approve any redundancy payments which trigger early retirements and pension strains.

The meeting finished at 10.34 am

Signed by Chair:
Date:



Report to Appointments and Conditions of Service Committee

Subject: Review of Disclosure & Barring Service Policy and Procedures

Date: 18th June, 2025

Author: Jen Lovett – AD Workforce

Purpose

To present to the Committee the review of our DBS procedures to ensure Gedling Borough Council remains compliant in its use of DBS checking to reduce safeguarding risks and increase efficiency in the processing of applications.

Recommendations:

The Appointments and Conditions of Service Committee is asked to approve:

- 1. Changes to the current policy which determines which roles are checked, the level and frequency of checks.**
- 2. Combining all existing policies and procedures on DBS checks into one document for ease of reference for managers and staff.**

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| 1 | Background |
| 1.1 | <p>A Disclosure and Barring Service (DBS) check is where an employer can check the background of its staff, in any role, for a criminal record.</p> <p>It is important to note that no Disclosure can be issued without the consent of an individual applicant.</p> |
| 1.2 | <p>There are 4 levels of DBS Check as follows:</p> <p>Types of check</p> <ul style="list-style-type: none">• a basic check, which shows unspent convictions and conditional cautions• a standard check, which shows spent and unspent convictions and cautions• an enhanced check, which shows the same as a standard check plus any information held by local police that's considered relevant to the role• an enhanced check with barred lists, which shows the same as an enhanced check plus whether the applicant is on the list of people barred from doing the role |

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| 1.3 | <p>The Council conducts Enhanced DBS checks for front line roles in Parks and Street Care near schools, Community Relations, Public Protection, Customer Services and Leisure. However, the exceptions in Leisure are the cleaners and bar staff at the Richard Herod Centre.</p> <p>Cleaners at other leisure centres are checked on appointment. See attached list of roles subject to Enhanced DBS checks at Appendix 1.</p> |
| 1.4 | <p>The Council has a policy statement at Appendix 35 of the Staff Handbook - on The Use and Funding of Disclosure and Barring Service Registration and DBS Disclosures which was last reviewed by the CMT on 1/2/24. See Appendix 2.</p> |
| 1.5 | <p>The current policy refers to conducting checks at conditional offer stage or moving into an area where a check is needed. It also states the following:</p> <p><i>“The Council does not operate a regime of systematic DBS re-checking. A re-check of an employee (or similar) is only conducted where there is legislative requirement to do so.”</i></p> <p>This practice exposes us to safeguarding and reputational risks where we may have staff in posts who may have received cautions or warnings, etc.</p> <p>Some Revenues and customer service staff have a basic check due to using the in-house revenues system which contains personal information.</p> |
| 1.6 | <p>There is a separate policy on ‘the use of DBS checks and the recruitment and licensing of ex-offenders’ at Appendix 25 of the Staff Handbook, which confirms candidates will be treated fairly and sensitively and having a criminal record will not necessarily bar candidates from working with us depending on the nature of the position and the background of their offences. See Appendix 3.</p> |
| 1.7 | <p>There is another policy on the Storage and retention of information at Appendix 26 in the Staff Handbook. See Appendix 4.</p> <p>Having separate policies on the same subject does make it difficult to easily locate all the information needed on this subject in the Staff Handbook, as managers or staff may just look at one policy and not search for all.</p> |
| 2 | Proposal |
| 2.1 | <p>a) To establish consistency of DBS checking for specific roles and conduct rechecks:</p> <p>It is proposed we continue to conduct Enhanced checks on staff appointed to roles on the current list at Appendix 1 and conduct rechecks in 2025/6.</p> |

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| | <p>Enhanced checks are needed where staff undertake work with children or vulnerable adults, once a week or 4 days in any 30-day period or overnight. This check covers:</p> <ul style="list-style-type: none"> • unspent convictions • spent convictions • cautions, warning and reprimands • Other relevant police information |
| 2.2 | <p>Following a review by the Senior Leadership Team, the following roles will be added to the list: Housing Officers and all Caretakers</p> |
| 2.3 | <p>Advice on the DBS government website advises that DBS countersignatories should have enhanced checks. It is proposed, therefore, that we repeat these in 2025/6.</p> |
| 2.4 | <p>b) Conduct Standard checks on staff in: Finance and Legal , where staff have access to personal data and in positions of trust. This would be a new approach for the Council and propose we do this for 2025/6. Standard checks cover:</p> <ul style="list-style-type: none"> • Unspent convictions • Spent convictions • Cautions, warnings and reprimands <p>It is proposed that our policies and DBS check lists are updated to reflect points a) and b) if approved, and that these roles are subject to DBS checks every 3 years.</p> |
| 2.5 | <p>c) Conduct basic checks on all remaining staff.</p> |
| 2.6 | <p>Whilst offences may occur between checking, having a minimum standard for re-checking does demonstrate a commitment to protecting the Council from safeguarding and reputational risks.</p> |
| 3 | Alternative Option |
| 3.1 | <p>Do nothing and wait for direction following the Local Government Reorganisation. This may continue to leave the Council exposed to risks in this area linked to safeguarding and reputational damage.</p> |

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| 4 | Financial Implications |
| 4.1 | <p>The Disclosure Barring Service fees are:</p> <ul style="list-style-type: none"> • Basic DBS check – £21.50 • Standard DBS check – £21.50 • Enhanced DBS check – £49.50 • Enhanced DBS check with Barred List(s) – £49.50 <p>Based on the proposal at 2.1, to re-check all staff that require an Enhanced DBS, the potential costs would be approximately: £8,386.5</p> <p>Enhanced – Leisure staff 82 x 49.50 = £4,059 Enhanced – Casuals 71 x 49.50 = £3,514.5 (69 Leisure, 2 Community Caretakers) Enhanced – 1 x HR & 5x Customer Services counter signatories = 6 x 49.50 = £297</p> <p>Standard - Finance and Legal staff 24 x 21.50 = £516</p> <p><u>Total = £8,386.5</u></p> <p>To conduct Basic DBS checks on all remaining staff, potential costs would be approximately an additional 185 staff x 21.50 = £3,977.5</p> <p>To conduct checks on all staff in 2025/6 approx. Total Costs = £8,386.5+3,977.5 = £12,364.</p> <p>Please note these staff numbers do not include new starters who have been DBS checked within the last 12 months.</p> |
| 5 | Legal Implications |
| 5.1 | <p>The Council needs to ensure compliance in ensuring the correct level of checks are completed specific to roles that require a standard or enhanced check. The government's online checker can be used for this.</p> <p>Anyone, however, can have a basic check if the Council chooses.</p> |
| 6 | Equalities Implications |
| 6.1 | Transgender staff can request a confidential DBS check which can be used. |
| 7 | Carbon Reduction/Environmental Sustainability Implications |
| 7.1 | N/A |

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| 8 | Appendices |
| 8.1 | <p>Appendix 1 – List of roles currently subject to Enhanced DBS checks</p> <p>Appendix 2 - Extracts from Staff Handbook. Appendices 35 – Policy statement on the Use and Funding of DBS registration and DBS disclosures.</p> <p>Appendix 3 – Extract from Employee Handbook - Appendix 25 - Policy statement on the use of criminal record checks</p> <p>Appendix 4 - Employee Handbook - Appendix 26 - The storage, handling, use, retention & disposal of disclosures & information</p> <p>Appendix 5 – Updated New DBS Policy</p> |
| 9 | Background Papers |
| 9.1 | N/A |

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer

Appendix 1

| Team | Post ID | Post Description |
|------------------------------|---------|---|
| PASC | DPS15 | Play Area Maintenance Worker |
| PASC | LRS15 | Urban Park Ranger (work in schools) |
| Community Relations | COM01 | Service Manager - Community Relations |
| Community Relations | LFA20 | Caretaker |
| Community Relations | LRS03 | Events & Play Officer |
| Community Relations | LRS05 | Arts Strategy and Development Officer |
| Community Relations | LRS20 | Sports & Health Development Officer |
| Leisure Services (Arnold LC) | LAR04 | Duty Manager |
| Leisure Services (Arnold LC) | LAR20 | Assistant Manager |
| Leisure Services (Arnold LC) | LAR22 | Theatre Manager |
| Leisure Services (Arnold LC) | LAR24 | Trainee Theatre Administration - Intern |
| Leisure Services (Arnold LC) | LAR25 | Apprentice Theatre Support |
| Leisure Services (Arnold LC) | LAR26 | Theatre Duty Manager |
| Leisure Services (Arnold LC) | LAR27 | Theatre Support Officer |
| Leisure Services (Arnold LC) | LAR28 | Theatre Admin Assistant |
| Leisure Services (Arnold LC) | LAR29 | Theatre Cleaner |
| Leisure Services (Arnold LC) | LAR30 | Duty Manager |
| Leisure Services (Arnold LC) | LAR40 | Leisure Attendant |
| Leisure Services (Arnold LC) | LAR50B | Receptionist |
| Leisure Services (Arnold LC) | LAR80B | Centre Attendant |
| Leisure Services (Arnold LC) | LAR90 | Cleaner |
| Leisure Services | LCA20 | Assistant Manager |
| Leisure Services | LCA30 | Duty Manager |
| Leisure Services | LCA40 | Leisure Attendant |
| Leisure Services | LCA50 | Receptionist |
| Leisure Services | LCA60 | Fitness Advisor |
| Leisure Services | LCA80 | Centre Attendant |
| Leisure Services | LCA85 | Facility Attendant |
| Leisure Services | LCA90 | Cleaner |
| Leisure Services | LCA91 | Cleaner (Pool) |
| Leisure Services | LCF01 | Centre Manager |
| Leisure Services | LCF20 | Assistant Manager |

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| Leisure Services | LCF30 | Duty Manager | |
| Leisure Services | LCF40 | Leisure Attendant | |
| Leisure Services | LCF50 | Clerk/Receptionist | |
| Leisure Services | LCF60 | Fitness Advisor | |
| Leisure Services | LCF80 | Centre Attendant | |
| Leisure Services | LCF90 | Cleaner | |
| Leisure Services | LFA01 | Service Manager- Leisure & Culture | |
| Leisure Services | LFA06 | Fitness Promotion Officer | |
| Leisure Services | LFA07 | Centre Manager | |
| Leisure Services | LFA10 | Swim Promotions Officer | |
| Leisure Services | LRE20 | Assistant Manager | |
| Leisure Services | LRE30 | Duty Manager | |
| Leisure Services | LRE50 | Receptionist | |
| Leisure Services | LRE60 | Fitness Advisor | |
| Leisure Services | LRE85 | Facility Attendant | |
| Leisure Services | LRE90 | Cleaner | |
| Public Protection | HMP02 | Housing Improvement & Enforcement Officer | |
| Public Protection | ELI01 | Licensing Officer DBS & NPV | Enhanced check- working in police environment |
| Public Protection | EEE11 | Community Protection Manager | Enhanced check- working in police environment |
| Public Protection | CCT99 | CCTV Operator | Enhanced check- working in police environment |
| Public Protection | PUP01 | Service Manager - Public Protection | Enhanced check- working in police environment |
| Customer Services | FRO05A | Customer Services Advisor | Counter signatory for DBS checks on taxi drivers |
| Customer Services | FRO05G | Customer Services Advisor | Counter signatory |
| Customer Services | FRO07 | Customer Services Assistant Manager | Counter signatory |
| Customer Services | FRO07B | Customer Services Assistant Manager | Counter signatory |
| Customer Services | FRO09 | Customer Services Manager | Counter signatory |
| Human Resources | ODV01 | Assistant Director - Workforce | Lead Counter signatory |
| Human Resources | PPE09 | HR & Training Manager | Counter signatory |

NB: Roles in Public Protection are pending Restructure outcome.

Appendix 2

APPENDIX 35 – POLICY STATEMENT ON THE USE AND FUNDING OF DISCLOSURE AND BARRING SERVICE REGISTRATION AND DBS DISCLOSURES

As a general principle:

1. The Council maintains a list of posts that it considers require Disclosure and Barring Service Authority registration. Each Director will determine which posts within their department should be included on the list. Posts that require a DBS check will be similarly listed.
2. Directors will ensure within their department that appropriate DBS check are applied to volunteers, contractors and partners, broadly as would be applied to employees carrying out the same or similar functions or services. Costs arising from such checks are wholly met by contractors and partners.
3. The Director responsible for licensing functions of the Council will ensure that adequate policies in respect to DBS data handling and information storage are in place for these functions.
4. When a DBS checked is deemed appropriate the DBS check will be administered as follows:
 - a. A DBS check is made at the point of conditional job offer when the person first joins the organisation or first moves into a post for which the Council requires a DBS check. This is the only DBS check conducted for this individual whilst in continuous employment (or if a break in service with Gedling is of less than three months) with the Council.
 - b. The Council does not operate a regime of systematic DBS re-checking. A re-check of an employee (or similar) is only conducted where there is legislative requirement to do so.
 - c. In respect to employees, any costs arising from a DBS check only are met by the Council.
 - d. In respect to volunteers, there are no costs for a DBS check.
 - e. In respect to contractors, partners or similar, all fees and charges are met by those parties direct, with DBS checks or details of DBS registration numbers being provided prior to commencement of service provision.

Reviewed September 2023 through DBS self-assessment audit

Reviewed CMT 1/2/24

Employee Handbook - APPENDIX 25 - POLICY STATEMENT ON THE USE OF CRIMINAL RECORD CHECKS

The Recruitment and Licensing of Ex-offenders

The following policy applies to the recruitment of prospective employees to the Council and licensing of prospective taxi drivers.

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, Gedling Borough Council aims to comply with the CRB Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

Gedling Borough Council is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, disability or offending background.

This written policy on the recruitment of ex-offenders is made available to all Disclosure applicants at the outset of the recruitment process or on request.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, application information will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to the Personnel Manager in cases of direct employment within Gedling Borough Council and to the Licensing Officer in cases of application for taxi licensing. This information is only be seen by those who need to see it as part of the recruitment or application process.

All job applicants will be expected to declare "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974. This requirement is highlighted on the standard application form. Additionally, if the nature of the work allows Gedling Borough Council to ask questions more detailed questions about a candidate's criminal records, this will be done sensitively and as far as possible, within the guidance provided by the Criminal Records Bureau.

We ensure that all those in Gedling Borough Council who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

The CRB has produced a Code of Practice, and a copy will be provided to anyone who is the subject of a Disclosure application available on request.

We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.

Appendix 4

Employee Handbook - APPENDIX 26 - THE STORAGE, HANDLING, USE, RETENTION & DISPOSAL OF DISCLOSURES & INFORMATION

General principles

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to help assess the suitability of applicants for positions of trust, Gedling Borough Council aims to comply fully with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also aims to comply fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

Storage & Access

Disclosure information is never kept on an applicant's personnel file and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and we recognise that it is a **criminal offence** to pass this information to anyone who is not entitled to receive it.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six-months, we will consult the CRB about this and will give full consideration to the Data Protection and Human Rights individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately and suitably destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

Disclosure & Barring Service (DBS) Policy

Serving people, Improving lives

| DOCUMENT CONTROL | |
|---|--------------|
| Version control number: 1:0 Draft | |
| Date approved: | Approved by: |
| Date of next review: | |
| Job title of responsible officer: Assistant Director - Workforce | |

DISCLOSURE & BARRING SERVICE (DBS) POLICY

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| 1. | Purpose |
| 1.1 | Gedling Borough Council is an equal opportunities employer and welcomes applications from all. |
| 1.2 | The purpose of this policy is to ensure that Gedling Borough Council acts in accordance with the DBS Code of Practice as a Registered organisation and the Rehabilitation of Offenders Act 1974, in its use of the Disclosure and Barring Service (DBS), in conducting criminal background checks on prospective and existing employees appointed to positions of trust. |
| 2. | Scope |
| 2.1 | This policy applies to all staff, contractors, voluntary and agency workers with the Council. |
| 3. | Types of Disclosure and Barred List Checks |
| 3.1 | <p>There are different levels of checks depending on the nature of work undertaken. The Protection of Freedoms Act 2012 resulted in a differentiation between positions which can legally have an Enhanced DBS check and those which can also be legally checked against the Children or Adults Barred List.</p> <p>The Council will conduct Enhanced Checks on specified roles with contact with vulnerable adults and children, Finance and Legal staff and roles who act as DBS countersignatories. (See List Appendix 1)</p> <p>All remaining staff will be subject to a Basic Check.</p> |
| 3.2 | <p>Enhanced DBS Check (including child and/or adult barred list) – Used only for individuals undertaking regulated activity</p> <p>This check covers:</p> <ul style="list-style-type: none"> • Unspent convictions • spent convictions • Cautions, warnings and reprimands • Other relevant police information • Children's or adults barred list |
| 3.3 | <p>Enhanced DBS Check (excluding barred list) – Used for example when an individual is undertaking work with vulnerable adults, once a week or more, or 4 days in any 30-day period, or overnight.</p> <p>This check covers:</p> <ul style="list-style-type: none"> <input type="checkbox"/> unspent convictions, <input type="checkbox"/> spent convictions, <input type="checkbox"/> cautions, warning and reprimands, <input type="checkbox"/> Other relevant police information. |

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| 3.4 | <p>Standard DBS Checks – Used for example when an individual has access to personal sensitive data about children and vulnerable adults.</p> <p>This check covers:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Unspent convictions, <input type="checkbox"/> Spent convictions, <input type="checkbox"/> Cautions, warnings and reprimands. |
| 3.5 | <p>Basic DBS Checks – Used when it is in the interest of the Council to obtain a criminal record history, for example when an individual in working in a position of trust.</p> <p>As part of a safer recruitment drive- all colleagues will undergo a minimum of basic level DBS check. This check covers:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Unspent convictions <input type="checkbox"/> Conditional warnings |
| 4. | Recruitment |
| 4.1 | All recruitment will be in line with the Council's Recruitment and Selection Protocol. |
| 4.2 | Where a post requires a criminal records check, the advertisement and job pack will contain a statement that any offer of employment will be subject to the outcome of this check. |
| 4.3 | Details of disclosed criminal records will only be seen by those that need to as part of the recruitment process. |
| 4.4 | It is an offence for the Council to employ someone to work in regulated activity if they have been barred by the DBS. Equally, if a barred person made an application they would be breaking the law. If the checks reveal that a candidate is on the barred list for regulated activity the Council will make a referral to DBS to notify them of the individual's attempt to apply for barred work. |
| 4.5 | <p>Where an individual has undertaken a DBS Disclosure for a position and they move to another position within the Council, the DBS Disclosure will be acceptable in the following instances:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the type of DBS Disclosure is the same for the old and new post and <input type="checkbox"/> the individual has not had a break in service of more than three months and <input type="checkbox"/> The new work does not represent a significant increase in responsibility for, and contact with, children and/or vulnerable adults. |
| 5. | Validity and Portability of DBS Disclosures |

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| 5.1 | There is no period of validity for a DBS Disclosure. Whilst accurate at the time of issue, it is technically out of date following the date issued as a new conviction; caution etc. may be recorded against the individual at any time after the issue date. |
| 5.2 | All employees are required to advise Human Resources if they are convicted or cautioned etc. Failure to do so will lead to disciplinary procedures being invoked. |
| 6. | Commencing Employment prior to receipt of DBS Disclosure |
| 6.1 | <p>In all circumstances every effort must be made to ensure a DBS Disclosure is obtained prior to an individual commencing employment. Only in exceptional circumstances can an employee take up employment without the full results of the DBS Disclosure being known. Approval for this will be undertaken by Human Resources and take into account the following factors:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The correct recruitment and selection procedure has been followed <input type="checkbox"/> The other pre-employment checks being confirmed as being satisfactory and <input type="checkbox"/> A correctly completed DBS Disclosure application form having been submitted to the umbrella organisation <input type="checkbox"/> A risk assessment form completed by the line manager to confirm that sufficient safeguards are in place to ensure the individual has no unsupervised access to children or vulnerable adults. |
| 7. | Recruiting from Overseas and UK Applicants who lived Abroad |
| 7.1 | DBS Disclosures do not record convictions that were committed abroad. When recruiting candidates who have spent some time living or working abroad, a DBS Disclosure must be obtained in the normal way and a criminal records check, or 'Certificates of Good Character' should be requested in accordance with home office guidance. Further guidance is available on the DBS website. |
| 8. | Adverse Disclosures/New Offences |
| 8.1 | <p>In cases where a DBS check reveals details of a criminal background or details of concern a risk assessment will be conducted using an Adverse Disclosure Form (See Appendix 2) which will involve:</p> <ul style="list-style-type: none"> • Line/recruiting manager and HR representative discussing the adverse disclosure with the employee/candidate • establishing why the offence was not declared • reviewing the serious nature of the offence • how long ago the offence took place • whether the offence will create a high level of risk that cannot be tolerated based on the work they will be doing |
| 8.2 | In accordance with the Rehabilitation of Offenders Act, a criminal conviction may not automatically bar an individual from employment. Further guidance may need to be sought from the CRB or the police. |

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| 8.3 | The risk assessment and decision should be recorded on an Adverse DBS form within 3 working days of initial notification. Confirming whether to appoint or withdraw offer or, for a current employee whether to retain in employment. A Director with the Assistant Director of Workforce needs to provide approval. |
| 8.4 | Should the offence have no bearing on the work that the employee will be doing and took place many years ago, it may be possible to go ahead with the appointment or employment. |
| 8.5 | If a current employee is issued with a caution or warning, etc., during the course of their employment they should notify their line manager and HR as soon as possible. An adverse disclosure assessment will be conducted to protect the Council as per 8.1 above. |
| 9. | Rechecks for Employees |
| 9.1 | The Council has adopted as best practice a rechecking policy, for checks to be undertaken on a three yearly basis . |
| 9.2 | The Human Resources Team will trigger the umbrella organisation to issue an online DBS application when rechecks are required to initiate the process every three years. |
| 9.3 | Failure to complete the DBS application form and provide the appropriate evidence will have implications on continued employment. In such cases, employees will no longer be able to fulfil their duties and continue in their role and disciplinary procedures will be invoked. |
| 9.4 | Where an existing employee's DBS Disclosure reveals details of a criminal record the Human Resources Department will implement the adverse disclosures process. |
| 10. | Data Protection and Storage of Information |
| 10.1 | The Council will ensure that sensitive personal information is treated as confidential, held securely, and only accessed by those entitled to see it in the course of their duties. |
| 10.2 | Recipients of disclosure information, through electronic means or via the applicant's copy of the disclosure, must note that it is an offence to disclose information contained within a DBS Certificate to any person who is not a member, officer or employee of the Registered Body or their client, unless a relevant legal exception applies. |
| 10.3 | It is also an offence to disclose information to any member, officer or employee where it is not related to that employee's duties. |
| 10.4 | All information will be retained as per the DBS Code of Practice and not placed on an employee's personal file. It will be retained for no longer than six months , unless a dispute is raised or, in exceptional |

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| 10.5 | <p>circumstances, where CRB agreement is secured.</p> <p>No reproductions of the Disclosure or its contents should be made, including photocopies or scanned images, unless with prior agreement of the CRB.</p> <p>DBS information will be kept separately and securely, in lockable, non-portable, storage or on-line in folders with access strictly controlled and limited to those who are entitled to see it as part of their duties.</p> |
| 11. | Agency Workers |
| 11.1 | <p>All agency staff require a DBS check. The agency is legally the employer of agency workers and the responsibility to obtain a relevant DBS check is theirs. The manager requesting the agency worker should indicate the level of DBS required.</p> |
| 11.2 | <p>When using an agency worker, the line manager or Human Resources Team should have written confirmation from the agency or a copy of the DBS check, including disclosure number and date of disclosure to ensure that each worker supplied to them has had a satisfactory DBS check and checks against the Children's and/or Adult's barred list as required for that area of service.</p> |
| 12. | Contractors and Sub-Contractors |
| 12.1 | <p>All contractors require a DBS check; the manager should include this in the procurement documentation. The organisation providing the contractor is legally the employer of any contractors and the responsibility to obtain a relevant DBS check is theirs as well as meeting the costs for them.</p> |
| 12.2 | <p>The lead manager should have written confirmation from the employer or a copy of the DBS check, to ensure that each worker has had a satisfactory DBS check and checks against the Children's and/or Adult's barred list as required for that area of service.</p> |
| 13. | Volunteers and Work Placements |
| 13.1 | <p>Volunteers and work placements who are undertaking activity which meets the criteria for a DBS check are required to undertake a relevant DBS check. The costs for conducting the checks will be met by the Council at its discretion.</p> |
| 14. | The Recruiting and Licensing of Ex-Offenders |
| | <p>All job applicants will be expected to declare "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974. This requirement is highlighted on the standard application form and where members of the public are applying for licences, e.g., Taxi Drivers.</p> <p>We ensure that all those in Gedling Borough Council who are involved in the recruitment process have been suitably trained to identify and</p> |

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| | <p>assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 and ensure confidentiality is paramount when handling personal sensitive information.</p> <p>A breach of confidentiality would be a breach of the CRB Code of Practice and may lead to further action.</p> <p>In the event of receiving an unsuitable CRB Check for a role, we undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.</p> <p>A copy of the CRB Code of Practice will be provided to applicants upon request.</p> <p>Having a criminal record will not necessarily bar an individual from working for the Council. This will depend on the nature of the position, the circumstances and background of your offences as part of a risk assessment.</p> |
| 15. | Referral to the Disclosure and Barring Service |
| 15.1 | <p>Under the Safeguarding Vulnerable Groups 2006 Act there is a legal duty to refer information to the DBS if an individual is dismissed or removed from working with children and/or adults (in what is legally defined as Regulated Activity) because they meet the referral criteria.</p> <p>The Council has a duty to refer information to the DBS as both a regulated activity provider and as a local authority.</p> |

Appendix 1

| Team | Post ID | Post Description |
|------------------------------|---------|---|
| PASC | DPS15 | Play Area Maintenance Worker |
| PASC | LRS15 | Urban Park Ranger (work in schools) |
| Community Relations | COM01 | Service Manager - Community Relations |
| Community Relations | LFA20 | Caretaker |
| Community Relations | LRS03 | Events & Play Officer |
| Community Relations | LRS05 | Arts Strategy and Development Officer |
| Community Relations | LRS20 | Sports & Health Development Officer |
| Leisure Services (Arnold LC) | LAR04 | Duty Manager |
| Leisure Services (Arnold LC) | LAR20 | Assistant Manager |
| Leisure Services (Arnold LC) | LAR22 | Theatre Manager |
| Leisure Services (Arnold LC) | LAR24 | Trainee Theatre Administration - Intern |
| Leisure Services (Arnold LC) | LAR25 | Apprentice Theatre Support |
| Leisure Services (Arnold LC) | LAR26 | Theatre Duty Manager |
| Leisure Services (Arnold LC) | LAR27 | Theatre Support Officer |
| Leisure Services (Arnold LC) | LAR28 | Theatre Admin Assistant |
| Leisure Services (Arnold LC) | LAR29 | Theatre Cleaner |
| Leisure Services (Arnold LC) | LAR30 | Duty Manager |
| Leisure Services (Arnold LC) | LAR40 | Leisure Attendant |
| Leisure Services (Arnold LC) | LAR50B | Receptionist |
| Leisure Services (Arnold LC) | LAR80B | Centre Attendant |
| Leisure Services (Arnold LC) | LAR90 | Cleaner |
| Leisure Services | LCA20 | Assistant Manager |
| Leisure Services | LCA30 | Duty Manager |
| Leisure Services | LCA40 | Leisure Attendant |
| Leisure Services | LCA50 | Receptionist |
| Leisure Services | LCA60 | Fitness Advisor |
| Leisure Services | LCA80 | Centre Attendant |
| Leisure Services | LCA85 | Facility Attendant |
| Leisure Services | LCA90 | Cleaner |
| Leisure Services | LCA91 | Cleaner (Pool) |
| Leisure Services | LCF01 | Centre Manager |
| Leisure Services | LCF20 | Assistant Manager |
| Leisure Services | LCF30 | Duty Manager |
| Leisure Services | LCF40 | Leisure Attendant |
| Leisure Services | LCF50 | Clerk/Receptionist |
| Leisure Services | LCF60 | Fitness Advisor |

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|-------------------|--------|---|--|
| Leisure Services | LCF80 | Centre Attendant | |
| Leisure Services | LCF90 | Cleaner | |
| Leisure Services | LFA01 | Service Manager- Leisure & Culture | |
| Leisure Services | LFA06 | Fitness Promotion Officer | |
| Leisure Services | LFA07 | Centre Manager | |
| Leisure Services | LFA10 | Swim Promotions Officer | |
| Leisure Services | LRE20 | Assistant Manager | |
| Leisure Services | LRE30 | Duty Manager | |
| Leisure Services | LRE50 | Receptionist | |
| Leisure Services | LRE60 | Fitness Advisor | |
| Leisure Services | LRE85 | Facility Attendant | |
| Leisure Services | | Caretakers | |
| Leisure Services | LRE90 | Cleaner | |
| | | Housing Options Officers | |
| Public Protection | HMP02 | Housing Improvement & Enforcement Officer | |
| Public Protection | ELI01 | Licensing Officer DBS & NPV | Enhanced check- working in police environment |
| Public Protection | EEE11 | Community Protection Manager | Enhanced check- working in police environment |
| Public Protection | CCT99 | CCTV Operator | Enhanced check- working in police environment |
| Public Protection | PUP01 | Service Manager - Public Protection | Enhanced check- working in police environment |
| Customer Services | FRO05A | Customer Services Advisor | Counter signatory for DBS checks on taxi drivers |
| Customer Services | FRO05G | Customer Services Advisor | Counter signatory |
| Customer Services | FRO07 | Customer Services Assistant Manager | Counter signatory |
| Customer Services | FRO07B | Customer Services Assistant Manager | Counter signatory |
| Customer Services | FRO09 | Customer Services Manager | Counter signatory |
| Human Resources | ODV01 | Assistant Director - Workforce | Lead Counter signatory |
| Human Resources | PPE09 | HR & Training Manager | Counter signatory |

Managing Adverse Criminal Record Disclosure

Date:.....Role Applied For.....

Recruiting/Line Manager

Applicant Declaration Form Details/Notification of new offence

Information Provided:

.....

Disclosure and Barring Service document

Information on Disclosure:.....

.....

Date of Disclosure:.....

Risk Assessment (please circle as appropriate)

- (a) Does the position involve contact with children and/or vulnerable groups? Yes/No
- (b) What level of supervision will the individual receive during the normal course of duties at work?
- (c) Does the position involve direct contact with the public? Yes/No
- (d) Does the position applied for involve direct responsibility for finance or items of value? Yes/No
- (e) Will the nature of the position present opportunities for the individual to re-offend in the workplace?
Yes/No

Outcome/decision (please circle as appropriate)

Director/Assistant Director of Workforce (or nominated Deputy)

Appoint/Reject

Name:..... Signature:.....

Date:.....

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Report to Appointments and Conditions of Service Committee

Subject: Creation of a new policy on the Prevention of Sexual Harassment following an amendment to Workers Protection (Amendment of Equality Act 2010) Act 2023, that came into effect 26 October 2024.

Date: 18th June 2025

Author: Interim HR Business Partner, Lou Beardsley

Presented by Assistant Director of Workforce

Purpose

To present to the Committee the review of the changes required in law for the Council to be compliant.

Recommendations:

The Appointments and Conditions of Service Committee is asked to:

1. **Approve a new Prevention of Sexual Harassment Policy.**
2. **Approve the draft amendments to the current Harassment policy Appendix 8 from the Staff Handbook, which incorporates an Appendix 8a to cover the Councils duty to prevent Sexual Harassment in the workplace**

1 Background

Sexual Harassment/Harassment requirements of the Council as an employer

As an employer, we must take steps to prevent harassment including sexual harassment happening in our organisation. By law, all employers must take reasonable steps to prevent sexual harassment of their employees. The law is the Worker Protection (Amendment of Equality Act 2010) Act 2023 which came into effect on 26 October 2024.

The law covers sexual harassment from:

- other people at work
- third parties – for example customers and clients and contractors

As an employer we must take action to assess risks and put measures in place. We cannot wait until sexual harassment/harassment happens. If it's already happened, we must take action to stop it happening again.

Important: If we do not take reasonable steps to prevent sexual harassment, the Equality and Human Rights Commission (EHRC) could take action against the Council. We might also have to pay a higher rate of compensation if an employee makes a successful claim at an employment tribunal.

What we should do

To help us take appropriate action, we should:

- consider the risks of sexual harassment happening in the Council
- consider steps you could take to reduce the risks of sexual harassment happening
- consider which of those steps are reasonable for us to take
- take those steps

What is reasonable depends on the situation. There's no set list of steps that all employers must take.

Considering risks

Sexual harassment can happen in any organisation. We must not assume that it will not happen.

We should assess any possible risks in the Council, which should consider any factors specific to:

- our sector
- the type of work
- ways of working
- different roles in the Council

Based on assessing what we currently have in place these steps below are the proposed steps the Council needs to take to ensure compliance:

- Update the current Harassment Policy, proposed to include a 'Prevention of Harassment and Sexual Harassment in the workplace as an addendum to the current Harassment Policy

- Update our current mandatory Equality and Diversity training for all employees to incorporate understanding and preventing harassment/sexual harassment, then roll it out
- Provide training to managers on understanding their responsibilities to prevent and manage harassment/sexual harassment.
- Incorporate prevention of harassment to from 'third parties into the policy as we have a duty to prevent harassment from/too third parties, including customers, contractors and the general public in the course of employment/someone undertaking their duties whilst interacting with these third parties
- General communication and our approach to the whole organization
- Update our organisational risk assessment detailing the steps we have taken to manage and prevent harassment/sexual harassment.
- Development of a flow process for reporting and managing harassment/ sexual harassment is in progress and will be shared and included within the training for employees and managers and GIG members.

2 Documents for Consideration

- Proposed new policy Prevention of Sexual Harassment/Harassment at Appendix 1 of this report
- Proposed amendments to Harassment Policy at Appendix 2 of this report
- Proposed amended HR1 Form Appendix 2a of this report
- An example draft Risk Assessment for Harassment/Sexual Harassment which we can incorporate into the overarching Authority risk assessment on how we are managing prevention of Harassment/sexual Harassment. This could also be used for any specific roles which may be at higher risk of Harassment/Sexual Harassment due to the nature of the role

3 Financial Implications

- 3.1 There is a cost to incorporate the additional training slides which we are waiting for the costs of at the date of this report.

4 Legal Implications

- 4.1 By law we must take steps to prevent harassment including sexual harassment happening in the Council which is covered under the Worker Protection (Amendment of Equality Act 2010) Act 2023 which came into effect on 26 October 2024.

Failure to comply with the updated legislation could result in:

- **Legal Penalties**
Employers who fail to take reasonable steps may face **financial penalties**, legal action, or increased liability.
- **Reputation Damage**
An inability to address sexual harassment effectively can lead to reputational harm for both the Council and its management teams/leaders.
- **Employee Morale & Retention Issues**
A workplace where harassment is not addressed can lead to high turnover, low morale, and reduced employee engagement.

5 Equalities Implications

- 5.1 The effect of the proposals is positive for all employees it ensures the Councils compliance to its statutory duty to prevent Harassment, including Sexual Harassment.

No negative equality impacts are identified.

6 Carbon Reduction/Environmental Sustainability Implications

- 6.1 There are no carbon reduction/environmental sustainability implications arising from this report.

7 Appendices

- 7.1 Appendix 1 – Proposed amendments to the current Harassment Policy from the Staff Handbook.

Appendix 2 - Revised HR1 form for reporting Harassment/ Sexual Harassment

Appendix 3 – New proposed Policy on the Prevention of Sexual Harassment

Appendix 4 – List of information for GIG members to support in prevention of Harassment/Sexual Harassment

Appendix - 5 Example Harassment/Sexual Harassment Risk Assessment to
incorporate into wider Council risk Assessment

8 Background papers

8.1 None identified.

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Proposed Revised Harassment Policy

(Staff Handbook) APPENDIX 8 - HARASSMENT (INCLUDING SEXUAL HARASSMENT) IN THE WORKPLACE

1 Policy Statement and Guidance

1.1 What is Harassment?

A person is harassed if they are subjected to unacceptable behaviour by another person or group of people.

Harassment has little to do with the intention of the person or people carrying out the act. Harassment is to do with the impact on the person affected, and the objective unacceptability of the act because harassment is involved.

This policy accepts that behaviour can be meant innocently but can have the effect of harassing another person. It is also accepted that innocent behaviour can be misunderstood as harassment by the recipient of that behaviour. In most cases, constructive handling of the matter at an informal level can and will rectify the situation.

In some other cases behaviour can be intended to harass another person. In those cases, or cases where informal action has failed, the Council may need to resort to formal procedures to deal with the harasser.

In each case, the Council has a legal, business and moral obligation as an employer to stop inadvertent or deliberate harassment, including sexual harassment in the workplace. The Council also has a duty to guard against false or malicious allegations of harassment of any type.

The following policy deals with each of these matters.

1.2 What is unacceptable behaviour?

Harassment can involve overt, obvious behaviour, or it may be less obvious or covert. Harassment can involve a single significant incident or may be a pattern of behaviour over a length of time. The person or people carrying out this behaviour may be unaware that they are having a negative impact on another person.

Unacceptable behaviour can include indecent remarks, offensive comments or jokes, insults, bullying, shouting, improper enquiries about personal matters, gossip, slander, exclusion, the display of objectionable or offensive images, offensive gestures,

unwanted physical contact, leering or staring. In the worst cases, threatening or physical assault may be involved.

These forms of behaviour are unacceptable at any time and from anyone working for the Council. They may take many forms. It is the responsibility of the Council, through its management, to ensure that such behaviour is not treated as acceptable and that management takes action to stop unacceptable behaviour.

This is not to equate harassment with proper management action to address poor performance, to take action on a variety of management concerns, nor is it to equate harassment with proper management questioning of employees' actions.

However, managers must ensure that in the performance of their management duties they set an example of fairness and do not display any unfair treatment in their actions.

To this end, management processes must be objective in their operation and treat employees equitably.

1.3 The effects of harassment

There are many reasons why harassment should not be tolerated:

- It violates a person's dignity
- It creates an intimidating, hostile, degrading, humiliating or offensive environment for the person or other people
- In cases of sexual harassment either of the previous two points are considered as sexual harassment even if the behaviour was not intended to be or even if it did not have those effects

1.3.1 As a caring employer

Gedling Borough Council prides itself on being a caring employer that values the contribution of all employees and wishes to offer support in the work environment. The Council aims to be a good employer offering a positive and attractive working environment. The prevention of and steps taken to eliminate harassment will contribute to the overall presentation of the Council to the public and employees.

The Health and Safety at Work Act (HSWA) requires the employer to provide a health and safe work environment. Harassment undermines this and is included in the Health and Safety Executive definition of violence. Failure to take action to deal with occurrences will be in breach of HSWA. Under this legislation, individual managers may be personally liable. Additionally, the **introduction of the Worker Protection (Amendment of the Equality Act 2010) Act 2023**, that came into effect on 26 October 2024, by law, requires employers to take reasonable steps to prevent sexual harassment of their employees.

Harassment can lead to a breach of contract; any employee who resigns because of harassment may be able to claim constructive dismissal.

It is likely that some acts of harassment will also be covered by criminal law. An individual may pursue a claim not only through internal but also external channels.

The overriding principle is that the employer (Gedling Borough Council) will be held liable for the actions of its employees even if officially unaware of those actions. **Under the Worker Protection Act 2023 individuals could also name specific individuals when making a claim.** As employees of the Council, there is a clear role to create a climate and culture to eliminate harassment and to act quickly and positively within procedures to ensure effective management of any situation. This concept of “corporate knowledge” and liability is contained in Section 37 of the Health and Safety at Work Act. **Also, under the Worker Protection Act 2023, Gedling Borough Council are required to take reasonable steps to prevent sexual harassment of their employees. On this basis a separate policy on prevention of harassment and Sexual harassment can be found at Appendix (8a)**

1.3.2 The Health and Safety reason

Many forms of harassment will constitute a reportable occurrence in terms of health and safety. Reporting procedures for recording acts of violence can be found in Section 3 of the Managers Safety Guidance Notes. Methods of prevention a recurrence of violence will be required when the manager completes the forms. Risk Assessments should also reflect any actual or potential injuries related to Violence and Aggressive incidents.

In addition, from a general business point of view, health and safety implications of harassment cannot be ignored because of associated financial costs due to lost productivity and increased levels of absence often related directly or indirectly to the stress and anxiety generated by cases of harassment.

This document attempts to deal principally with cases of alleged harassment perpetrated by employees of this Authority on fellow employees. However, in addition, the method for dealing with harassment experienced from people who do not work for the Council can be found in Section 4 of the Managers’ Safety Guidance Notes (Violence and Aggression). The Council’s Policy Statement on Violence and aggression in the workplace can be found in the Council’s Safety Policy, Arrangements Document.

2.0 Procedure for Dealing with Cases of Harassment, including sexual harassment

2.1 Principles

- 2.1.1 The recipient of the alleged harassment chooses to whom they report the act, usually the first level of management senior to the harasser.

- 2.1.2 The person who is informed of the act is required to act quickly once aware of the alleged act.
- 2.1.3 The adoption of an informal approach when dealing with cases of alleged harassment may usually be the most effective; this should not, however, deter someone from using the formal routes where the case warrants. The case for formal action may be determined by the employee or employer.
- 2.1.4 In most cases it should be the complainant who will determine the appropriate method and extent of investigation and treatment. However, in certain circumstances, if the alleged harassment is particularly extreme it may be necessary for managers to take formal action (including reference to police) even if this method is not supported by the victim. There is a duty to other employees in cases where actions are extreme and could be repeated.
- 2.1.5 Allegations which are proven to be deliberately false or malicious will be dealt with under the Disciplinary Procedure.

2.2 General Procedures

2.2.1 Recording

When a case of alleged harassment occurs, the complainant should record details of the event in case of future need for reference. Details should include dates, times, nature of incident, witness(es) and action that was taken at the time.

Where a manager becomes involved in a case of alleged harassment, they too should keep records of events to ensure that evidence is available if the matter is progressed formally.

If the Council is to establish frequencies and patterns of alleged harassment it is also important that a copy of the form included in the Employee Handbook (form H1) is completed by the recipient and confidentially sent to Personnel Services. The complainant can choose to remain anonymous. Providing this information, even at an informal stage, is vital to help the Council's work in areas of equal opportunity.

However, formal action cannot be taken on the basis of anonymous accusations. The Disciplinary Procedure requires that allegations are properly stated, and that rules of natural justice apply.

2.2.2 Deciding

The recipient of the harassment may feel that formal treatment of the case is required; this is detailed in part 2.4

A decision about how to deal with the situation may be clear to the individual; if this is not the case, discussion with others may be appropriate. this may be with

- work colleague
- supervisor or manager
- Trade Union representative
- Personnel Officer
- Counsellor

For harassment related issues, initial counselling is available through the Employee Assistance Programme available to all employees. For advice or assistance about the Employee Assistance Programme Personnel Services should be contacted.

The individual would be expected to make appropriate arrangements for absence from work for the purpose of such meetings. Personnel Services may be able to offer appointments outside the normal working day.

2.3 Informal Treatment

Informal treatment of an alleged case of harassment can be particularly effective where the person carrying out the act is unaware of the effects of their actions or where the complainant perceives the act to have low impact on them.

The complainant needs to make the harasser aware of their unwelcome actions. This can be done in a number of ways including –

- face to face either alone or with a work colleague.
- in writing.
- using someone to discuss the matter with the harasser on behalf of the complainant; people such as a work colleague, Trade Union Officer, manager or Personnel Officer. It is important that the person chosen approaches the harasser in a planned, calm and non-confrontational way; at this stage, the role is one of “facilitator of discussion” rather than “accuser”.

It may be appropriate for training or counselling to be offered at this stage to the harasser to help them to be more aware of their behaviour and to offer guidance.

Where the actions continue or where the acts are perceived by the individual as being too serious to treat informally, a formal route to action may be more appropriate.

2.4 Formal Treatment

In essence, formal treatment of a case of alleged harassment brings the event into the bounds of the Disciplinary Procedure.

Due to the nature of this type of allegation, certain variations to the usual Disciplinary Procedure will be allowed to ensure that an employee is not discouraged from making a complaint.

Appropriate variations to the adopted Disciplinary Procedure may include:-

2.4.1 Appropriate Investigating Officer

Where the alleged harassment is carried out by a direct manager or supervisor, the usual route of disciplinary investigation is flawed. In these cases, the individual affected should report the case to an appropriate officer, usually the first level of management senior to the harasser, whom the individual believes is not involved in or aware of harassment taking place.

The Manager is then charged with acting promptly to investigate the allegations in line with the defined Disciplinary Procedure.

2.4.2 Appropriate action

Actions, including warnings, defined within the established Disciplinary Procedure may be appropriate in themselves and the Manager chairing the formal hearing may feel that such warnings will be sufficient to correct the behaviour of the harasser.

Other solutions may be necessary in addition to the warning issued, for example transfer to other areas of work or otherwise separating the alleged perpetrator from the victim.

Where the complaint is upheld, it may be desirable to relocate or transfer one party. If possible, the complainant should be given first choice whether he or she wishes to be transferred. Where a transfer occurs, the complainant should not be disadvantaged on their terms and conditions of employment.

If the case is deemed insufficiently serious to warrant dismissal through either gross misconduct or accrued warnings, any transfer for the harasser should not normally be to their detriment in respect of terms and conditions (the result of such an action by the employer could lead to claims of constructive dismissal if the individual chose to resign).

In cases where the offence could potentially warrant disciplinary action which would normally lead to dismissal, if a possibility exists for transfer to a post where terms and conditions are less favourable and there are mitigating circumstances in the case, the Manager chairing the hearing may opt to offer this arrangement as an alternative to dismissal.

If transfer of either party is not possible and dismissal is not considered to be an immediately appropriate action, the two parties may be required to continue to work together. These situations will require active monitoring by the appropriate manager at frequent and regular meetings; this in many cases will be the investigating Manager. This monitoring should take place over a reasonable length of time, say 6 months, perhaps determined in conjunction with the complainant. If the business

suffers because of the continued poor working relationship and no transfer opportunities present themselves then resultant action, possibly dismissal, any need to be pursued under the Disciplinary Procedure – the actions of both parties will need to be reviewed to establish if one is particularly obstructive towards the need for co-operative working; it need not necessarily be the original harasser who acts unreasonably in these situations after the initial act of harassment.

Any monitoring by a manager after an act of harassment has taken place should aim to discover any victimisation of either party as a result of either informal or formal treatment (including transfer) under this procedure. Acts of victimisation may themselves warrant proper investigation and treatment under the Disciplinary Procedure.

Again, whether or not disciplinary action is taken, it may be appropriate to offer the harasser training or counselling to make them aware of their behaviour and to allow them to review their approach for the future.

3.0 Communication, Training and Monitoring

3.1 Communication

This policy is available to all employees of the Authority through the Employee Handbook.

3.2 Training

Personnel Services through the Annual Training Programme offer courses which will help Managers to acquire skills to deal with difficult situations in the workplace. Course content and topic areas vary from year to year to provide a wide training base. If individual Managers require additional training in either the procedural aspects of this policy or in the investigation/counselling/interviewing skills that are necessary to carry out their roles as defined in this procedure or other such as Grievance or Disciplinary, then individual or small group workshop sessions can be arranged at short notice by Personnel Services whom Managers are advised to contact direct.

Proposed amended HR1 Form

| | |
|---|--|
|  | H1 Human Resources Report of Alleged Harassment |
|---|--|

Please fill out this form to report any incident of harassment, including sexual harassment, that you have experienced or witnessed. Your report will be treated confidentially.

1. Reporting Individuals Information

| | |
|---------------------|--|
| Name | |
| Position/Title | |
| Department | |
| Contact Information | |
| Phone | |
| Email | |
| In Person | |

*You can remain anonymous and complete all sections other than section 1.

2. About You

| | |
|---|-----------------|
| What is your gender identify | Choose an item. |
| If "Other" Please State | |
| Your age group | Choose an item. |
| To which of these groups do you consider you belong | Choose an item. |
| If "Other" Please State | |

3. About Your Harasser

| | |
|-----------------------------|-----------------|
| Name if known | |
| Department or area if known | |
| How Many People | Choose an item. |

| | |
|-------------------------|-----------------|
| Nature Of Harassment | Choose an item. |
| If "Other" Please State | |

4. Incident Information

| | |
|----------------------|--|
| Date of Incident | |
| Time of Incident | |
| Location of Incident | |

5. Description of Incident

Please provide a detailed description of the incident, including what happened, who was involved, and any witnesses present. Use additional pages if necessary.

6. Witness(es)

| | |
|-------------------------------------|--|
| Name(s) of Witness(es) | |
| Contact Information for Witness(es) | |

7. Your Actions

| | | |
|--|---|--------------------------|
| Have You: | Confronted the person alone about their behaviour | <input type="checkbox"/> |
| | Confronted the person about their behaviour with another person | <input type="checkbox"/> |
| | Reported the act formally for investigation | <input type="checkbox"/> |
| | Have not confronted the person but have discussed with others | <input type="checkbox"/> |
| | Done nothing to address the situation | <input type="checkbox"/> |
| Have You Discussed The situation With: | Friends outside the Authority | <input type="checkbox"/> |
| | The counselling service provided | <input type="checkbox"/> |
| | Another counselling service | <input type="checkbox"/> |
| | Work colleagues "unofficially" | <input type="checkbox"/> |
| | Line Manager "officially" | <input type="checkbox"/> |
| | Nobody | <input type="checkbox"/> |
| | Other person (please state) | <input type="checkbox"/> |
| If "other person" please state who | | |

8. Previous Actions

| | |
|--|-----------------|
| Have you reported this incident to anyone previously? | Choose an item. |
| If yes, to whom did you report it, and what was the outcome? | |

9. Desired Outcome

| | |
|---|--|
| What would you like to see happen as a result of this report? | |
|---|--|

10. Signature:

By signing this form, you acknowledge that the information provided is accurate to the best of your knowledge.

| | |
|-----------|--|
| Signature | |
| Date | |

Confidentiality Notice

The information provided in this form will be kept confidential and will only be shared with individuals involved in the investigation process as necessary.

If you require support to complete this form you can get help from your manager or a manager within the council, a member of the Gedling Inclusion Group, or a member the Human Resources team.

Links as follows: [Our Gedling employee group - Gedling Intranet](#); pod@gedling.gov.uk

Proposed New Policy- Prevention of Sexual Harassment Policy

(Staff Handbook - Appendix 8a) Prevention of Sexual Harassment Policy

POLICY STATEMENT:

Gedling Borough Council is dedicated to providing a working environment that is free of harassment and bullying, and where everyone is treated and treats others, with dignity and respect. The Council will not permit or condone any form of bullying or harassment.

As a responsible and inclusive employer, and in full understanding of our obligations under the Worker Protection (Amendment of Equality Act 2010) Bill effective of October 2024, Gedling is committed to taking proactive steps to prevent employees experiencing sexual harassment in the course of their employment and also to comprehensively investigating and finding resolution to any alleged acts of sexual harassment.

1. POLICY SCOPE:

This policy applies to Gedling Borough council.

This policy applies to all employees of the Council, including volunteers, student placements and contractors.

This policy considers sexual harassment occurring 'in the course of employment'.

This covers sexual harassment occurring within the workplace but is also covers sexual harassment occurring at a work-related event such as conferences or leaving drinks and acknowledges that the Council should seek to prevent third-party sexual harassment.

This policy is non-contractual and does not impact upon an employee's statutory rights.

2. WHAT IS SEXUAL HARASSMENT?

- 3.1 Sexual harassment is unwanted attention that violates a person's dignity or creates an offensive or degrading environment. Sexual harassment makes the person, or persons, affected feel uncomfortable, threatened or offended. It is the effect that matters regardless of whether or not the effect was intended.
- 3.2 A range of behaviours recognised to be forms of sexual harassment are listed below. However, this list is not exhaustive. It is important to bear in mind that sexual harassment covers a very broad spectrum of behaviour, and may not always appear to be overtly sexual in nature, but can include:
 - sexual images displayed or shared;
 - offensive words or comments;

- demeaning or humiliating behaviour or language;
 - references to someone's body;
 - intrusive questions about someone's private life;
 - stalking, including online stalking;
 - sexual gestures, such as simulating sexual acts;
 - unwanted touching, such as putting hand on someone's knee or hugging them;
 - unwanted sexual attention whether verbal or physical;
 - coercing someone into sexual relations through pressure, manipulation or threats, or offering rewards in exchange for sex;
 - sexual violence, including rape, or threatening to carry out sexual violence or unwanted sexual acts.
- 3.3 Sexual harassment is often considered a disciplinary offence and, in some cases may also be a criminal offence.
- 3.5 Although, statistically, women are more likely to experience or report sexual harassment, it can happen to anyone. Sexual harassment does not always occur in plain sight. It can happen in-person and online, and outside of as well as during working hours. Regardless of when and how it occurs, the Council will consider any sexual harassment involving employees as a workplace issue and will take action in line with our disciplinary policy accordingly.
- 3. OUR COMMITMENT:**
- 4.1 Gedling Borough Council will provide regular training sessions for all employees so that you have a comprehensive understanding of what sexual harassment is and your role in preventing and addressing it. This is included within the annual Equality and Diversity Mandatory training.
- 4.2 We will also ensure that additional training, education and guidance to the Leadership Team and all line managers to give them the confidence to tackle sexual harassment.
- 4.3 We recognise the need for regular risk assessments and audits to identify and mitigate risks of sexual harassment. We will actively consider the risks of sexual harassment occurring in the course of employment and devise and implement reasonable steps we can actively take to reduce those risks and proactively prevent sexual harassment occurring.
- 4.5 We will follow a clear, fair and supportive procedure to encourage the reporting of potential or alleged sexual harassment in the course of employment which is described below.

5. Roles and Responsibilities

Managers:

- 5.1 All managers must foster a culture built on mutual respect where all employees feel safe to share their views and raise concerns. The Council expects leaders

and line managers to act as role models by consistently demonstrating respectful and inclusive behaviour. This includes being aware of how their own status and actions may impact on others.

- 5.2 In addition to self-awareness the Council expects and encourages leaders and line managers to regularly seek and act on feedback from their teams and peers in regard to an inclusive culture actively engaged in preventing sexual harassment.
- 5.3 Preventing sexual harassment requires leaders and line managers to communicate that any form of unfair treatment such as sexual harassment will not be tolerated. Offensive behaviour can sometimes be excused as banter or jokes, so leaders and line managers must maintain high standards, even when they may face criticism for doing so.
- 5.4 The Council will give appropriate training, education and guidance to leadership and line managers to ensure they have the confidence and capability to be proactive and deal with unacceptable behaviour at the earliest possible stage.
- 5.5 As a leader or line manager, you are also well placed to pick up on any underlying tensions that could indicate potentially inappropriate behaviours or attitudes. These may include employees unwilling or reluctant to work together, heated exchanges or perceived favoritism.
- 5.6 The Council will support and train leaders and line managers so that they are able to foster a culture of open communication and reinforce values based on dignity and respect as this will enable them to understand and resolve issues in their team proactively, quickly, effectively and impartially.

Gedling Inclusion Group:

- 5.7 Gedling's Inclusion Group (GIG) are designated persons responsible for actively promoting a diverse, supporting and inclusive employment culture.
- 5.8 One of the important roles is that our GIG is to be a dedicated point of contact for any employees who have concerns about sexual harassment and they will ensure that such matters are correctly reported, investigated and resolved.
- 5.9 The Council will ensure that all GIG group members are appropriately trained and supported to understand and embrace their role in enabling a preventative mindset in regard to sexual harassment in the course of everyone's employment.

HR

- 5.10 HR will work to support in the provision of training and ensuring fair and transparent application of the harassment policy and the prevention of sexual harassment policy in all cases that are raised, supporting managers, leaders, GIG members and employees.

6. HOW WE CAN ALL HELP PREVENT SEXUAL HARASSMENT:

- 6.1 We all have a shared responsibility to help create and maintain an environment free of sexual harassment. You can do this by:

- Considering how your own behaviour may affect others, and amending it accordingly;
- Being receptive, rather than defensive, if asked to modify your behaviour;
- Treating your colleagues with dignity and respect at all times;
- Taking a stand if you think inappropriate comments, jokes or behaviour are occurring;
- Making it clear to others if you find their behaviour unacceptable;
- Intervening if possible to stop sexual harassment and giving support to others;
- Reporting sexual harassment or potential sexual harassment in the appropriate manner to either your line manager, or a more senior manager or a member of the HR Team.

7. WHAT TO DO IF YOU ARE CONCERNED ABOUT SEXUAL HARASSMENT:

7.1 The following process can be followed by any employee of the Council as laid out in the Harassment procedure, using the form H1. You can follow this process if you feel you are experiencing sexual harassment or if you witness sexual harassment or have a concern that another colleague may be experiencing sexual harassment.

7.2 The Council commits to treating all allegations of sexual harassment with the utmost seriousness. We will follow a fair and equitable process to ensure all concerns are investigated thoroughly to allow us to resolve matters promptly whilst ensuring all parties are treated sensitively and in a confidential manner.

7.3 Informal approach:

You may be able to sort matters out informally. The person may not know that their behaviour is unwelcome or upsetting, so an informal discussion may help them to understand the effects of their behaviour and agree to change it.

If you feel able to, tell the person what behaviour you find offensive and unwelcome and say that you would like it to stop immediately. You are encouraged to keep a note of the date and what was said and done. This will be useful if the unacceptable behaviour continues and you wish to raise the matter formally.

If this is too difficult for you, please speak to your line manager, or a more senior manager or a GIG member or a member of the HR team for advice and assistance. They may, with your agreement, speak to the person concerned on your behalf or accompany you when you speak to the other person.

If the informal approach is not appropriate, or has not been successful, you should raise the matter formally through our grievance procedure.

7.4 Formal procedure

When any employee feels that they need to deal with an issue of sexual harassment formally, you should make a formal complaint in accordance with our Harassment policy. You can use the form H1 to do this.

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.

The Council will investigate all complaints of this nature in a timely, confidential and sensitive manner. The investigation will be conducted by someone with appropriate seniority, training and experience and with no prior involvement in the complaint. Details of the investigation and the names of any persons involved will only be disclosed on a 'need to know' basis. We will consider whether any steps are necessary to manage the ongoing employment relationship between all parties involved.

If the report does not come directly from the person being harassed, the nominated investigator will confidentially speak to the person affected and ideally encourage them to report. In cases where individuals are reluctant to report despite encouragement, the investigating manager needs to respect the wishes of the person making the complaint as far as possible.

6. IF YOU WITNESS SEXUAL HARASSMENT

- 6.1 Staff who witness sexual harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:
 - 6.1.1 Intervening where you feel able to do so.
 - 6.1.2 Supporting the victim to report it or reporting it on their behalf.
 - 6.1.3 Reporting the incident where you feel there may be a continuing risk if you do not report it.
 - 6.1.4 Co-operating in any investigation into the incident.
- 6.2 All witnesses will be provided with appropriate support and will be protected from victimisation.

7. PROVIDING SUPPORT

- 7.1 The Council understands that reporting sexual harassment takes courage and can be extremely stressful. We will ensure that any individuals raising a concern or complaint are given reassurance and support throughout the process. This support may also need to be extended to any employees who have witnessed sexual harassment.
- 7.2 As well as providing opportunities to talk, our GIG members and HR team are trained to signpost employees to relevant services such as EAP/counselling if appropriate.
- 7.3 The Council educates leaders and line managers to be vigilant for signs of victimisation whereby an employee is treated less favourably because they have

reported sexual harassment and will take appropriate action through our disciplinary policy if required.

8. CONSEQUENCES OF A BREACH OF THIS POLICY:

- 8.1 If after due investigation, we consider that an incident of sexual harassment has occurred, the matter will be dealt with under the disciplinary procedure as a case of possible misconduct or gross misconduct.
- 8.2 Incidents of sexual harassment may constitute a criminal offence and The Council may suggest that the matter is reported to the police.
- 8.3 In our commitment to prevent sexual harassment in the course of employment, we will fully analyse any unaddressed risks which were not recognised and could have reasonably prevented any incident of sexual harassment and put in place any reasonable measures to prevent a recurrence of a similar nature.
- 8.3 If someone makes a complaint which is not upheld, and the Council has good grounds for believing that the complaint was not made in good faith, we make take disciplinary action against the person who made a false complaint.

9. RECORD KEEPING:

Information about a complaint by or about an employee may be placed on either party's personnel file, along with a record of the outcome and any other notes or documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

10. REVIEW:

This policy will be reviewed at regular intervals to ensure compliance with UK regulations and best practice.

Proposed Guidance documents for our GIG members:

Handout: Understanding the Councils Key Responsibilities and the Legal Changes and key resources within the Council.

Introduction

As of 26th **October 2024**, the UK government introduced key changes to sexual harassment legislation. This handout provides an overview of these changes and outlines the responsibilities of managers in fostering a respectful and legally compliant workplace.

Key Legislative Changes (26th October 2024)

1. **Employer Liability for Third-Party Harassment**
Employers are now liable for harassment of employees by **third parties** (e.g., clients, customers, suppliers) if they fail to take "all reasonable steps" to prevent such incidents.
2. **Increased Accountability for Employers**
Employers must take proactive measures to **prevent sexual harassment** in the workplace, including risk assessments, implementing policies, and providing regular training.
3. **Focus on Reasonable Steps**
Employers and managers are legally obligated to take "all reasonable steps" to prevent harassment. Failing to do so may result in increased **financial penalties** or legal action against the organisation.

Managerial Responsibilities

Managers play a critical role in ensuring that the workplace is safe and free from harassment. Here's what they need to know:

1. Preventing Harassment

- **Promote a Respectful Workplace Culture**
Encourage open communication, respect, and inclusivity. Make sure employees know that harassment will not be tolerated.
- **Regular Training and Education**
Provide regular training for employees on what constitutes sexual harassment, how to report it, and what the company's policies are. Ensure that everyone understands the new legal changes.
- **Implement Clear Policies**
Make sure your team is familiar with the company's dignity at work policy and

sexual harassment policy and our reporting procedures. Clearly communicate any updates or changes in legislation.

2. Handling Complaints

- **Respond Quickly and Appropriately**
If a harassment claim is made, respond **immediately** and take the complaint seriously. Escalate the issue to HR or relevant authorities when necessary.
- **Confidential Reporting**
Ensure that employees have access to confidential reporting channels, such as a whistleblowing hotline or anonymous email.
- **Support the Victim**
Take appropriate steps to protect and support the employee who has reported harassment, ensuring they do not face retaliation.

3. Taking "Reasonable Steps" to Prevent Harassment

The law requires that you take **all reasonable steps** to prevent harassment from occurring. Here are some examples:

- **Risk Assessments**
Identify high-risk areas (e.g., employees who frequently interact with customers or external contractors) and implement preventative measures.
- **Clear Reporting Mechanisms**
Ensure that your team knows how to report incidents and that they feel safe doing so without fear of retaliation.
- **Periodic Reviews**
Regularly review your department's compliance with anti-harassment policies and update your procedures as needed.

Recognising and Addressing Third-Party Harassment

Third-party harassment refers to instances where an employee is harassed by someone who is not a fellow employee, such as a customer or client/contractor.

As a manager, it's important to:

- **Identify High-Risk Situations**
Be aware of where your team is most likely to experience third-party harassment (e.g., customer service roles, refuse and care taking roles; external client meetings).
- **Take Preventative Action**
Educate your employees about their rights and provide guidance on how to handle inappropriate behaviour from clients or other third parties.
- **Escalate Issues Immediately**
If an employee reports third-party harassment, take immediate action by

following the Harassment policy and local reporting procedures, inform HR and ensuring the matter is resolved promptly.

Consequences of Non-Compliance

Failure to comply with the updated legislation could result in:

- **Legal Penalties**
Employers who fail to take reasonable steps may face **financial penalties**, legal action, or increased liability.
- **Reputation Damage**
An inability to address sexual harassment effectively can lead to reputational harm for both the organisation and its management team.
- **Employee Morale & Retention Issues**
A workplace where harassment is not addressed can lead to high turnover, low morale, and reduced employee engagement.

Best Practices for Managers

1. **Lead by Example**
Model respectful behaviour and reinforce the company's commitment to a harassment-free workplace.
2. **Encourage Open Communication**
Create a safe environment where employees feel comfortable reporting any incidents of harassment without fear of reprisal.
3. **Ongoing Education**
Stay updated on legal changes and make sure your team undertakes their refresher training.
4. **Monitor and Enforce Policies**
Ensure that company policies are followed and that any issues are addressed promptly and consistently.

What to Do if Harassment is Reported

1. **Listen**
Take every complaint seriously. Provide a safe space for employees to voice their concerns.
2. **Act Quickly**
Begin an investigation immediately, consulting HR or legal teams for guidance as necessary.
3. **Maintain Confidentiality**
Handle the situation discreetly and professionally to protect all parties involved.
4. **Follow Up**
Ensure that the issue is resolved and that the employee who reported the harassment feels supported and safe.






Key Resources

- HR Department
- Legal Team
- Resources on Sexual Harassment
- Link to Harassment Policy and Prevention of Sexual Harassment policy & H1 Form
- Link to full managers training
- Link to employees training
- [Consultation on sexual harassment in the workplace: government response - GOV.UK \(www.gov.uk\)](#)
- [Consultation: technical guidance on sexual harassment and harassment at work | EHRC \(equalityhumanrights.com\)](#) [If you've been sexually harassed at work - Sexual harassment - Acas](#)
- [If you've been sexually harassed at work - Sexual harassment - Acas](#)
- [Sexual harassment - Victim Support](#)

Risk Assessment Template

Identify Hazards & Controls Measures

| | | | |
|---|--|----------------------------|--|
| Task / Operation Being Assessed: | Harassment, Including Third Party Harassment NOTE! This Risk Assessment is an example only and must be reviewed/amended to suit your own business practices and working environment. | | |
| Company Name & Address: | | Reference Number: | |
| Name Of Person Undertaking the Assessment: | | Signature: | |
| Date Of Assessment: | | Date Review Due By: | |

|  |  |  |  |  |
|---|---|--|--|---|
| Significant Hazard Include Hazards Associated with The Work Here. | Risk Rating (Before Controls) Severity X Likelihood | Who May Be Harmed & How? List Here Employees, Workers and Others who May Be Harmed by The Activity, Including The Method of Harm. | How Is the Risk Presently Controlled? Detail Here Your Present Control Measures, If Further Action Is Required, Include This at The End Of The Document. | Risk Rating (After Controls) Severity X Likelihood |
| Lone Working - Sexual Harassment. | 2X3=6 | Workers Potential risk of bodily harm/ stress related with non-consensual harassment and violence/aggression. Risk to lone workers and those who are based from home is considered here, including those who work nights, face customers and travel to different locations on a regular basis. | Addressing Power Imbalances <ul style="list-style-type: none"> Take proactive measures to mitigate power imbalances in the workplace, such as promoting a diverse workforce and providing support for underrepresented groups . Effective Policies and Procedures <ul style="list-style-type: none"> Develop and communicate clear anti-harassment policies that define sexual harassment, related victimization, and provide examples relevant to the workplace. Ensure that the policies explicitly state that harassment will not be tolerated and that it may lead to disciplinary actions up to dismissal. These policies include Social Media. Engagement with Workers <ul style="list-style-type: none"> Involve employees in the development and revision of anti- harassment policies to ensure their concerns and insights are considered. Implement Support Structures <ul style="list-style-type: none"> Provide support and counselling for victims of harassment, ensuring they have access to resources throughout the reporting and investigation process. Inexperienced employees are closely supervised and under instruction at all times Lone worker risk assessment is carried out Lone workers contact system Regular check ins from management including strategies in place to deputise and ensure that communication is maintained. Means of raising alarm tested and drilled with redundancies in place and responses implemented. Lone working 'Secret Code' procedure <ul style="list-style-type: none"> 'Secret Code' procedure - if worker feels threatened, they can ring the office and ask for an item or a task, for instance the data for the client included in the 'blue folder' or another ruse to alert their supervisor that they're under threat. This can trigger a process to retrieve the worker. Lone working is avoided/kept to a minimum <ul style="list-style-type: none"> Panic alarm device issued/installed Preventive Actions for Specific Situations For roles that involve customer interaction, provide specific training on handling harassment from third parties, including strategies for de-escalation and reporting . Regular Monitoring and Review | 1X3=3 |

Risk Assessment Template

Identify Hazards & Controls Measures

| | | | | |
|--|-------|---|---|-------|
| | | | <ul style="list-style-type: none"> Monitor the workplace environment through surveys and feedback mechanisms to gauge the prevalence of harassment and the effectiveness of policies. <p>Regular travel routes implemented</p> <ul style="list-style-type: none"> Travel organised so that recognised routes are taken, vehicle / personal tracking implemented where required. Check in on site and check out with management interventions if timed calls missed. <p>Training and Awareness</p> <ul style="list-style-type: none"> Conduct regular training sessions for all employees on recognising and preventing harassment. Tailor training for managers and supervisors to include handling complaints and supporting affected workers. | |
| Power Imbalances - Sexual Harassment | 2X3=6 | <p>Workers:</p> <p>Potential for workers to be sexually harassed by those in power within the organisation, for instance a zero-hours contracted worker feeling under pressure from a senior leader to tolerate harassment / abuse in order to retain their job. This can also apply to workers who are on secondment and away from their regular support structures, workers deployed to unfamiliar locations where there are local tensions, and where there is a lack of diversity in the senior leadership team which may re-enforce poor behaviours. This abuse may also take the form of a third party interaction where a worker is pressured into activities they do not wish to consent to.</p> | <ul style="list-style-type: none"> Documented and communicated sexual harassment policy, working arrangements and procedures Workers reminded of policies and procedures. Impartial support where senior leadership gender balance is impaired Where gender imbalance is present within the senior leadership team, a harassment lead will be appointed in order to encourage reporting and to provide impartial support. Inexperienced employees are closely supervised and under instruction at all times Training and education of those in positions of senior management. Training on sexual harassment is in place for all staff. Refresher training undertaken. Whistleblowing procedures and ways of reporting harassment are in place. | 1X3=3 |
| Work-Based Occasions / Social Interaction - Social Sexual Harassment | 2X3=6 | <p>Workers:</p> <p>Potential for sexual harassment to take place at work-based social events or online, including by third parties.</p> | <ul style="list-style-type: none"> Alcohol and Drugs policy in place Controlled alcohol sales at the event Mobile phones used in the event of an emergency No alcohol or drugs Reporting procedures for sexual harassment followed Sexual harassment policies are in place which cover Social Media and external events Workers reminded of policies and procedures prior to attending the event. <p>Third Party Harassment:</p> <ul style="list-style-type: none"> Workers are to alert a colleague in the event that harassment takes place so that this can be addressed with the event organiser, where this isn't possible, the worker will not be left unattended and will be taken to safety where required. If required, the police will be informed. | 1X3=3 |
| Verbal Abuse - Verbal abuse directed at workers from colleagues and / or third parties | 2X2=4 | <p>Workers:</p> <p>Potential for stress and mental health impacts due to verbal abuse.</p> | <ul style="list-style-type: none"> CCTV installed for training, supervision and security purposes Challenging behaviour/violence at work policy in place Personal safety - aggressive behaviour awareness Visitor rules system operated | 1X2=2 |

Risk Assessment Template

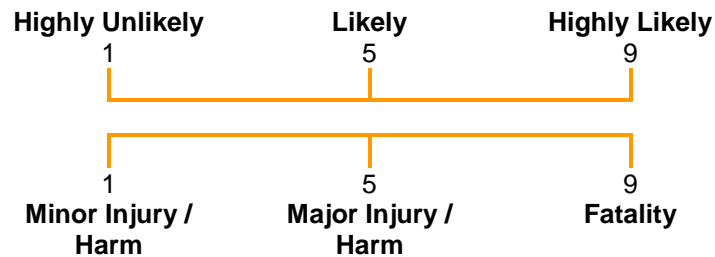
Identify Hazards & Controls Measures

Assessing the Degree of Risk

Methodology & Explanation:

Risk ratings are calculated by considering the likelihood of an event occurring along with the severity of the potential consequence should an accident occur.

After considering existing control measures, values are assigned to the likelihood and severity from the scales below and these figures multiplied to establish the risk rating.








Put Simply:

Severity X Likelihood = Risk Rating

If your overall rating for each hazard after controls are added is 'Highly Likely' you should not proceed with the task until you have added additional risk control measures.

| | | | | | | | | | |
|----------|------------|----|----|----|----|----|----|----|----|
| Severity | 9 | 18 | 27 | 36 | 45 | 54 | 63 | 72 | 81 |
| 8 | 16 | 24 | 32 | 40 | 48 | 56 | 64 | 72 | |
| 7 | 14 | 21 | 28 | 35 | 42 | 49 | 56 | 63 | |
| 6 | 12 | 18 | 24 | 30 | 36 | 42 | 48 | 54 | |
| 5 | 10 | 15 | 20 | 25 | 30 | 35 | 40 | 45 | |
| 4 | 8 | 12 | 16 | 20 | 24 | 28 | 32 | 36 | |
| 3 | 6 | 9 | 12 | 15 | 18 | 21 | 24 | 27 | |
| 2 | 4 | 6 | 8 | 10 | 12 | 14 | 16 | 18 | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | |
| | Likelihood | | | | | | | | |

Additional Controls:

|  |  |  |  |  |
|---|---|---|---|--|
| Hazard Requiring Additional Control | List What Further Action Is Necessary to Control the Risk To An Acceptable Level | Person Responsible | Date Completed | Adjusted Risk Rating <small>Severity X Likelihood– Take into Account Your New Controls.</small> |
| | | | | |
| | | | | |

Risk Assessment Template

Identify Hazards & Controls Measures

| Assessment Completed By: | | Assessment Approved By: | |
|--------------------------|--|-------------------------|--|
| Name: | | Name: | |
| Signature: | | Signature: | |
| Date: | | Date: | |

| Employee / Worker Acknowledgement: | | | | | |
|---|-------|------------|-------|-------|------------|
| By signing below, you confirm you have read and understood the contents of this assessment and agree to abide by the safe methods of working contained within it. | | | | | |
| Name: | Date: | Signature: | Name: | Date: | Signature: |
| | | | | | |
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Report to Appointments & Conditions of Service Committee

Subject: ACSC/JCSC – Approvals for HR Policies/Strategies

Date: 18th June 2025

Author: Deputy Chief Executive & Monitoring Officer

Purpose of Report

To review the approval flow of policies by the Council's committees.

Recommendation

The Committee is recommended to:

1. Provide delegated authority to the Head of Paid Service to launch policy and strategy changes. These will continue to be subject to consultation through the Joint Consultative Committee and final approval would remain with the Appointments and Conditions of Service Committee.
2. Agree to amend the Council's Constitution to reflect the new delegated authority to the Head of Paid Service.

| | |
|----------|--|
| 1 | Background |
| 1.1 | HR Policies should be kept under review and require regular updating. When a policy is updated or a new policy created, it is presented to the Appointments and Conditions of Service Committee to agree consultation on the policy, which then takes place with the Joint Consultative Committee that considers feedback from unions and staff, before returning back to the Appointments and Conditions of Service Committee for approval. |
| 1.2 | We are currently working through all our policies, procedures, and strategies to review these which creates an administrative burden by following the process above. |
| 2 | Proposal |

| | |
|-----------|---|
| 2.1 | To streamline our processes, it is proposed that the Appointments and Conditions of Service Committee provide delegated authority to the Head of Paid Service to launch policy and strategy changes. |
| 2.2 | All policies/strategies will continue to be subject to consultation through the Joint Consultative Committee and final approval would remain with the Appointments and Conditions of Service Committee. |
| 3 | Alternative Options |
| 3.1 | Retain the current arrangements which are inefficient in terms of additional administration and inefficient use of members' time. |
| 4 | Financial Implications |
| 4.1 | N/A |
| 5 | Legal Implications |
| 5.1 | N/A |
| 6 | Equalities Implications |
| 6.1 | N/A |
| 7 | Carbon Reduction/Environmental Sustainability Implications |
| 7.1 | N/A |
| 8 | Appendices |
| 8.1 | None |
| 9 | Background Papers |
| 9.1 | N/A |
| 10 | Reasons for Recommendations |
| 10.1 | Streamlining processes for efficiency. |

Statutory Officer approval

Approved by:

18.6.2025

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

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