

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

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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
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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?	
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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 upmost 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](#)