



Broxtowe  
Borough  
COUNCIL

# **SEXUAL HARASSMENT POLICY**

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## **1.0 Objective**

The Council is committed to providing a working environment free from sexual harassment and ensuring all employees are treated, and treat others, with dignity and respect. The Council recognises that there is a risk that sexual harassment can occur both in and outside the workplace, such as on business trips, or at work-related events or social functions, or on social media.

Sexual harassment or victimisation of any employee, or anyone they come into contact with during the course of their work, is unlawful and will not be tolerated. The Council will take active steps to help prevent the sexual harassment and victimisation of all employees. Anyone who is a victim of, or witness to, sexual harassment is encouraged to report it in accordance with this policy. This will enable the Council to take appropriate action and provide support. Sexual harassment can result in legal liability for both the business and the perpetrator, whether they work for the Council or are a third party outside of our control. Sexual harassment may result in disciplinary action up to and including dismissal.

The law requires employers to take reasonable steps to prevent sexual harassment in the workplace.

The purpose of this policy is to prevent sexual harassment in the workplace and to set out a framework for line managers to deal with any sexual harassment that occurs by Employees (which may include consultants, contractors and agency workers) and by third parties such as customers, suppliers or visitors to our premises.

This policy does not form part of any contract of employment or contract to provide services, and the Council may amend it at any time

This policy deals with sexual harassment only. The Council is committed to preventing all types of harassment at work and other forms of harassment are covered in our Anti-Bullying and Harassment Policy.

## **2.0 Scope**

This policy shall apply to all employees, temporary workers, agency workers, contractors, consultants and anyone else engaged to work at the Council, (collectively referred to as 'Employees' throughout this policy) save for any complaints relating to the Chief Executive and Officers appointed under the Conditions of the Joint National Council for Chief Officers of Local Authorities for whom separate procedures apply.

## **3.0 What is sexual harassment?**

Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to sexual harassment.

The Equality Act 2010, section 26, also states harassment includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past. For example, failing to promote an individual because they refused to kiss a colleague on a work night out.

A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.

Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:

- Bringing proceedings under the Equality Act 2010;
- Giving evidence or information in connection with proceedings under the Equality Act 2010;
- Doing any other thing for the purposes of or in connection with the Equality Act 2010; or
- Alleging that a person has contravened the Equality Act 2010.

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

- In a work situation.
- During any situation related to work, such as at a social event with colleagues.
- Against a colleague or other person connected to the Council outside of a work situation, including on social media.
- Against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.

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

If any sexual harassment or victimisation of an employee occurs, the Council will take steps to remedy any complaints and to prevent it happening again.

Third-party harassment occurs where a person is harassed or sexually harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, unwelcome sexual advances from a service user or supplier visiting the employer's premises, or where a person is visiting a service user or supplier's premises or other location in the course of their employment.

Whilst there is no current entitlement to bring a stand-alone complaint against an employer for third-party harassment alone, third-party sexual harassment can result in legal liability when raised in other types of claims and will not be tolerated. All employees are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.

Any sexual harassment by an employee, against a third party may lead to disciplinary action up to and including dismissal.

The law requires the Council to take active steps to try to prevent third-party sexual harassment of employees.

If any third-party harassment of an employee, occurs, the Council will take steps to remedy any complaints and to prevent it happening again. (These may include warning the harasser about their behaviour, banning them from our premises, reporting any criminal acts to the police, and sharing information with other branches of the business.)

## **4.0 Procedure**

### **4.1 Informal Procedure**

If an employee, is being sexually harassed, they should consider whether they feel able to raise the problem informally with the person responsible. It is recognised that the informal route may not always be suitable. They should explain clearly to the person responsible that their behaviour is not welcome or makes them uncomfortable. If this is too difficult, they should speak to the HR Department. If an employee feels unable to speak to their Line Manager because the complaint concerns them, they should speak informally to the HR Section. If this does not resolve the issue, the Formal Procedure below should be followed.

Additionally, if an employee is not certain whether an incident or series of incidents amounts to sexual harassment, they should initially contact the HR Section informally for confidential advice.

If informal steps are not appropriate, or have been unsuccessful, the Formal Procedure set out below should be followed. Mediation can also be considered if appropriate.

Mediation is a process whereby an independent third party, including a trained Council employee or external professional mediator, attempts to help parties reach agreement in the event of a dispute. Mediation may be requested or recommended at any stage in dealing with a complaint if both parties are agreeable. However, it is usually preferable for any mediation to take place before a formal complaint is made. HR will arrange the mediation.

### **4.2 Formal procedure**

An employee who wishes to make a formal complaint about sexual harassment should submit it in writing to their line manager. There is no requirement to use a specific form. If the matter concerns their line manager, they should submit it to the HR Section.

The 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.

An employee, who wish to make a formal complaint about victimisation should submit it in writing to their line manager. If the matter concerns their line manager, they should submit it to the HR Section.

The written complaint should set out full details of the conduct in question, including the name of the person or persons the employee, believes have victimised them, the reason they believe they have been victimised, the nature of the victimisation, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

As a general principle, the decision whether to progress a complaint is up to the employee, However, the Council has a duty to protect all employees, and may pursue the matter independently if, in all the circumstances, the Council considers it appropriate to do so.

#### **4.3 Investigations**

The Council will investigate complaints in a timely, respectful and confidential manner. Employees who are not involved in the complaint or the investigation should not be told about it.

A Deciding Officer will be appointed by GMT. The Deciding Officer will appoint an independent investigator. The investigator will be a senior manager grade 12 or above.

The Council will arrange a meeting with the complainant, usually within 10 working days of receiving a complaint, so that they can give their account of events. The complainant has the right to be accompanied by a colleague or a trade union representative of their choice, who must respect the confidentiality of the investigation.

Where a complaint is about an Employee, the Council may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged harasser who may also be accompanied by a colleague or trade union representative of their choice to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

Where a complaint is about someone other than a member of Employees, such as a customer, supplier or visitor, the Council will consider what action may be appropriate to protect the complainant and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, the Council will attempt to discuss the matter with the third party.

The Council will also consider any request that the complainant makes for changes to their own working arrangements during the investigation. For

example, they may ask for changes to duties or working hours to avoid or minimise contact with the alleged harasser.

It may be necessary to interview witnesses to any of the incidents mentioned in the complaint. If so, the importance of confidentiality will be emphasised to them and they will be informed that breach of confidentiality is a disciplinary offence. Confidentiality will be subject to any legal or regulatory obligations.

Following the investigation, the investigator will submit a report to a Deciding Officer (a Head of Service or above). The Deciding Officer will arrange a meeting with the complainant, in order to discuss the outcome and what action, if any, should be taken. The complainant has the right to bring a colleague or a trade union representative to the meeting. A copy of the report and the Investigators findings will be given to the complainant and to the alleged harasser.

#### **4.4 Action**

If the Deciding Officer considers that there is a case to answer and the harasser is an employee (excluding agency workers, contractors, consultants and anyone else engaged to work at the Council without a contract), the matter will be dealt with as a case of possible misconduct or gross misconduct under the Council's Disciplinary Procedure. The investigation into a complaint may be put on hold pending the outcome of the Disciplinary Procedure. Where the disciplinary outcome is that sexual harassment occurred, prompt action will be taken to address it. If the harasser is a third party, such as a service user or supplier, the Council will consider what action would be appropriate to deal with the problem.

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

Any employee who deliberately provides false information in bad faith, or who otherwise acts in bad faith as part of an investigation, may be subject to action under the Council's Disciplinary Procedure. However, a complainant will not be disciplined or treated detrimentally because their complaint has not been upheld.

#### **4.5 Appeals**

If the complainant is not satisfied with the outcome they may appeal in writing to the HR team, stating their full grounds of appeal, within 10 working days of the date on which the decision outcome letter was received.

The Council will hold an appeal meeting, normally within 10 working days of receiving a written appeal. Where practicable, the appeal hearing will be conducted by a Chief Officer who has not been previously involved in the case and is senior to the individual who conducted the previous meeting.

They may ask anyone previously involved to be present. The complainant has the right to bring a colleague or trade union representative to the meeting.

The Council will confirm its final decision in writing, usually within 10 working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

## **5.0 Witnessing sexual harassment or victimisation**

Any employees, who witness sexual harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

- intervening where an employee, feel able to do so;
- supporting the victim to report it or reporting it on their behalf;
- reporting the incident where an employee, feel there may be a continuing risk if they do not report it; or
- co-operating in any investigation into the incident.

All witnesses will be provided with appropriate support and will be protected from victimisation.

## **6.0 Protection and support for those involved**

Employees who make complaints, report that they have witnessed wrongdoing, or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Any employees found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

If Employees believe they have suffered any such treatment they should inform the HR team. If the matter is not remedied, they should raise it formally using the Council's Grievance Procedure or this procedure if appropriate.

The Council will monitor the treatment and outcomes of any complaints of sexual harassment or victimisation the Council receives to ensure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately and workforce training is targeted where needed.

The Council offers access to confidential counselling, which is available on request for anyone affected by, or accused of, sexual harassment.

## **7.0 Support and guidance**

Support and guidance can also be obtained from the employee assistance programme and other external service. Reporting outcomes, confidentiality and record keeping.

Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under the Council's Disciplinary Procedure.

When appropriate and possible, where a complaint is upheld, the Council will advise the complainant of the action that has been taken to address their specific complaint and any measures put in place to prevent a similar event happening again.

Information about a complaint by or about a Employees member may be placed on their personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. The Council will keep appropriate records of complaints in order to assess the effectiveness of our steps to prevent sexual harassment in the workplace. These will be processed in accordance with our Data Protection Policy.

The Council's employee assistance programme can also provide additional confidential advice and assistance.

## **8.0 Training**

The eradication of Sexual Harassment is a one of the key priorities of the Council, following legislative changes to the Employment Rights Act 2025.

The Council will provide Training via its e-learning platform and further training may be arranged for relevant Officers, which could include webinars, face-to-face training or other mediums as and when appropriate. All employees are required to undertake Code of Conduct training which requires annual recertification.