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Deddington Parish Council

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ANTI-SEXUAL HARASSMENT POLICY

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Deddington Parish Council will not tolerate sexual harassment. Complaints will be taken seriously and not ignored. The policy below is an abbreviated version of the ACAS guidance on anti-sexual harassment procedures and includes elements from a legal presentation given through OALC.

Definition of sexual harassment
Sexual harassment is unwanted behaviour of a sexual nature. The law (Equality Act 2010) protects the following people against sexual harassment at work:

- employees and workers
- contractors and self-employed people hired to do work
- job applicants

To classify as sexual harassment, the unwanted behaviour must have either, intentionally or not:

- violated someone's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment for someone

Sexual harassment can happen to men, women and people of any sexual orientation. It can be carried out by anyone of the same sex, another sex or anyone of any sexual orientation; by fellow workers; a manager; third parties – for example customers, contractors and members of the public.

What some people might consider as joking, 'banter' or part of their workplace culture can still be sexual harassment.

Preventing sexual harassment
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.

Employers can be held responsible for the actions of employees. Anyone who sexually harasses someone at work is also responsible for their own actions. Discrimination complaints and employment tribunal claims can be made against individuals as well as employers.

The law covers sexual harassment from other people at work and third parties. We are required to assess risks and put measures in place. If we do not take reasonable steps to prevent sexual harassment, the Equality and Human Rights Commission (EHRC) could take action against us.

In assessing risk, factors should include, for example: lone working; meeting members of the public, contractors or service users; or social occasions, particularly where people are drinking alcohol. In considering what steps are reasonable for our organisation, we should take into account:

- people who employees might have contact with as part of their work
- how often our employees are in contact with third parties
- that our staff work alone much of the time

The Parish Clerk has the facility to lock the door of the parish office and has a CCTV camera in place so she can view people entering the entrance lobby to her office. She has access to a phone to summon help.

Our stewards should have mobile phones with them when they are out and about working.

Examples of steps we could take to prevent sexual harassment include:

- encouraging staff to report any incidents of sexual harassment, or situations where they felt at risk
- introducing ways for staff to get help quickly, for example panic buttons or alarms
- training everyone who works for us in recognising sexual harassment

- training managers on their responsibilities
- making clear that misuse of power, for example through seniority or influence, will not be tolerated; that sexual harassment may lead to the perpetrator losing their job; that someone making a complaint that's not upheld, will not face any disciplinary action, as long as their complaint was not malicious.

Any social media policy we have should make it clear that online sexual harassment will not be tolerated. This includes on personal devices.

We are required to check that our policies and procedures for preventing sexual harassment and handling complaints are working.

We are also required to follow a full and fair procedure for handling complaints, in line with the Acas Code of Practice on disciplinary and grievance procedures.

Making a complaint
Complaints can come from the person who has experienced sexual harassment or someone who has witnessed it.

Employees do not have to make their complaints to their line manager, they can make the complaint to anyone on the Parish Council they feel comfortable with. In these circumstances, the Parish Clerk, the Chair or Vice Chair should be informed of the complaint and should consider how best to proceed. Complaints can be made anonymously.

If an employee reports sexual harassment from third parties, it would not be possible to use the disciplinary procedure because they do not work for us, but we would have an obligation to prevent such sexual harassment happening again.

The Parish Council is an employer and therefore is legally bound to prevent sexual harassment. However, councillors are not employees of the council and are not protected specifically under the Equality Act legislation that applies to employees. They still have a duty of care to fellow councillors and should abide by the Civility and Respect Pledge and the council's Code of Conduct. If a councillor wishes to make a complaint of sexual harassment against a member of staff or a member of the council or a third party, the same principles should apply as to employees.

Hence the councillor can make a complaint to the Parish Clerk, the Chair or the Vice Chair or another fellow councillor. If appropriate, the complaint could be dealt with informally through discussions with the person making the complaint, any witnesses and the person accused of harassment. The complainant and the person complained of will not be obliged to confront each other.

If the complaint of sexual harassment is of a more serious nature, the council or the councillor concerned should make the complaint to the Monitoring Officer of Cherwell District Council (or its successor council).

Dealing with a complaint
As an employer, we should:

- take any complaint of sexual harassment seriously
- handle a complaint fairly and sensitively
- look into a complaint as quickly as possible

An employee can choose to make either an informal or formal complaint. Dealing with a problem informally, talking to the people concerned, can be a quicker and less stressful way of reaching a solution. If the complaint is too serious to be handled informally, it is appropriate to ask the person to raise a grievance – making a formal complaint to be handled under the council's Grievance Procedure. If the complainant is reluctant to do this, the Disciplinary Procedure should be considered against the person they are

complaining about.

In either case, evidence should be heard from both sides in a fair process, privately and sensitively. They should not be made to confront each other. The complaint, including any investigation, should be handled confidentially.

The people handling the complaint should not let their own views or feelings influence them, for instance if they believe the person accused is not likely to have done it; the person accused is someone senior or influential; they personally do not find the behaviour offensive.

If the complaint is upheld and disciplinary action is considered, the council's formal Disciplinary Procedure should be followed. If dismissal is not considered appropriate, options include:

- a final written warning
- training and supervision for the person who carried out the harassment

If the complaint is not upheld, steps to help manage working relationships should be considered. For example, counselling or mediation, nominating someone that either person can talk to if they have concerns.

If the case reaches an employment tribunal
The procedure followed will be taken into account if the case reaches an employment tribunal. The tribunal will also consider what was done to prevent sexual harassment.

There are time limits for making a claim to an employment tribunal: three months minus one day from the date of the most recent sexual harassment – unless the judge makes an exception.

When it's a crime
If someone has been sexually assaulted or raped at work, they might also report it to the police. The employer should encourage them to report it, but respect their decision if they decide not to.

If the criminal process does not result in a conviction, the council could still take disciplinary action because the level of evidence needed to prove a crime in court is higher than what is needed for an employer's disciplinary procedure.

Note:

- This Anti-Sexual Harassment policy should be issued to councillors and staff and be displayed in a public area.
- All staff and councillors should either attend a briefing session on the policy or be required to read the document. Formal, minuted approval by councillors will be taken as confirmation that they understand and will comply with it.
- The policy should be reviewed annually.