



**Somerset
Council**

Sexual Harassment Policy

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| Organisation | Somerset Council |
| Title | Sexual Harassment Policy |
| Owner | HR Policy Team |
| Primary Legislation | Equality Act 2010 Worker Protection (Amendment of Equality Act 2010) Act 2023 Employment Rights Act 1996 |

1. Policy Statement

- 1.1 The Worker Protection (Amendment of Equality Act 2010) Act 2023 creates a duty on employers to take reasonable steps to prevent sexual harassment in the workplace. Somerset Council is committed to providing a safe and respectful environment for everyone. As such, any form of sexual harassment will not be tolerated and will be addressed promptly and effectively. For further information on the expected standards of behaviour in the workplace please see the [Dignity at Work Code of Practice](#).
- 1.2 This policy:
- Describes what sexual harassment is and how to report it
 - Outlines preventative measures that Somerset Council will take to prevent sexual harassment in the workplace
 - Advises how Somerset Council will manage complaints of sexual harassment
 - Provides a summary of support available to those impacted by allegations of sexual harassment, including links to more detailed information and guidance.
- 1.3 Proven allegations of sexual harassment (including victimisation) by employees may result in disciplinary action up to and including dismissal for gross misconduct.
- 1.4 This policy applies to all employees of Somerset Council with the exception of employees employed in Local Authority maintained schools where alternative HR policies, which have been subject to consultation and agreement with recognised professional associations and trade unions, are recommended for adoption by the individual school's Governance Board.
- 1.5 It is recognised that, as this new duty is being introduced by way of an amendment to the Equality Act 2010, "employees" and "employment" in this context will have the wider meaning included under that Act and so would include workers. Therefore, complaints raised by workers that are not employees, for example complaints from contractors or casual workers will

need to be considered and responded to appropriately – please seek HR advice to determine the appropriate course of action in this situation.

- 1.6 This policy does not form part of the Somerset Council Terms and Conditions and may be subject to change.

2. Sexual Harassment

2.1 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.

2.2 It also 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.

2.3 Some examples of sexual harassment include (this is not an exhaustive list):

- physical conduct of a sexual nature, unwelcome physical contact or intimidation
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions
- telling / sharing sexually offensive jokes
- showing or sending offensive or pornographic material by any means (e.g. by text, video clip, email or by posting on the internet or social media)
- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults
- offensive comments about appearance or dress, innuendo or lewd comments
- leering, whistling or making sexually suggestive gestures
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

2.4 The person engaging in unwelcome behaviour does not have to intend to be sexually harassing the other person for the behaviour to be considered sexual harassment. Regardless of what was intended, sexual harassment is defined by the nature and the impact of the behaviour, not the intention behind it.

2.5 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.

2.6 Sexual harassment can take place at any time and any place. It can happen at any location, including the workplace or workplace events, for example, at learning events, while travelling with colleagues to an event or in other spaces

that may be both physical and virtual, including social events. Incidents which occur within these environments fall within the scope of this policy.

- 2.7 Some forms of sexual harassment may also constitute criminal offences under a range of legislation including but not limited to the Sexual Offences Act 2003 and the Protection from Harassment Act 1997.
- 2.8 In some instances where sexual harassment is alleged Somerset Council reserves the right and may be obliged to report an employee holding a professional registration of any description to their relevant statutory regulator in accordance with their relevant professional codes of conduct (for example, Health Care & Professions Council, Nursing and Midwifery Council, Social Work England and the Solicitors Regulation Authority). The relevant statutory regulator should be contacted for further advice where the manager is unsure whether it is necessary to report an employee, and this cannot be determined internally within the Council.
- 2.9 In addition, Somerset Council will consider the necessity of escalation to relevant authorities. For example, the police where there is concern that the allegations may constitute a criminal act, and the Local Authority Designated Officer or Safeguarding Team where appropriate.

Third Party Sexual Harassment

- 2.10 Third-party sexual harassment can result in legal liability and will not be tolerated. The law requires employers to take reasonable steps to prevent sexual harassment by third parties. Although an employee cannot bring a claim for third-party harassment alone, it can still result in legal liability for an employer when raised in other types of claims. All employees are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.
- 2.11 The Council will take active steps to try to prevent third party sexual harassment of employees. This may include warning notices to customers or recorded messages at the beginning of telephone calls.
- 2.12 If any third-party harassment of staff 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 Council premises, reporting any criminal acts to the police, and sharing information with other teams/services of the Council.

3. Responsibilities

- 3.1 Somerset Council is committed to providing a safe and respectful environment

for all employees through adherence to the [Values and Behaviours](#) - work as one team, build belonging, and strive for excellence.

3.2 As such, Somerset Council will:

- Implement preventative measures such as regular training and clear communication of this policy.
- Build a culture of respect and inclusion.
- Ensure that there are clear processes in place for raising complaints.
- Take proactive steps to identify and mitigate risks of sexual harassment.
- Consider complaints received promptly and appropriately being aware of the sensitive nature of such reports.
- Learn from the outcomes of cases putting in place mitigations as required.

Line Managers will:

- Monitor the workplace environment to ensure that sexual harassment is not tolerated.
- Promote awareness of the complaints procedures and support available with respect to sexual harassment as set out in this policy.
- Be proactive in putting into place any reasonable adjustments as necessary.
- Support the creation of a culture where employees feel safe to work, raise concerns, and feel listened to.
- Be a role model for promoting appropriate and professional behaviours in the workplace.
- Manage complaints and behaviour which may constitute sexual harassment seriously, taking immediate and appropriate action.
- Ensure that a person is not victimised for making, or being involved in, a complaint of sexual harassment.

Employees will:

- Take personal responsibility to raise concerns about any sexual harassment in the workplace, whether this was experienced personally or witnessed.
- Challenge inappropriate behaviour, if appropriate and it can be done safely.
- Contribute to a respectful and productive working environment through role modelling the Council's values and behaviours.

4. Reporting Process

4.1 Concerns and complaints regarding sexual harassment may be reported by either:

- An employee who alleges that they have been sexually harassed.
- An employee who alleges they have witnessed sexual harassment.

4.2 The employee raising the concern should report this to their line manager. If it is not appropriate to report directly to the line manager, the line manager's

manager / more senior manager or an HR colleague should be contacted.

- 4.3 The line manager (or contacted person where this is not the line manager) will consider the concerns and take any immediate action required to ensure the safety of the individuals involved. HR and/or Health and Safety advice should be sought as required.
- 4.4 They will then need to establish whether the alleged sexual harassment is between employees or involves a third party (for example, a member of the public, service user, or a partner organisation employee) as this determines the process to be followed.
- 4.5 The employee raising the concern may not wish to undertake a process against the accused but if the manager deems that the welfare or safety of that employee or others (including third parties) are at risk or where allegations are sufficiently serious, they will have to escalate their concerns.

Allegations of Sexual Harassment - Employees

- 4.6 The [Grievance Policy](#) is to be followed in cases of alleged sexual harassment where the allegation is between employees.

Allegations of Sexual Harassment - Third Party Individuals

- 4.7 Cases of alleged sexual harassment from a third party towards an employee must be reported using the [Safety Portal](#). The line manager should assist the employee in doing this, as part of the support provided.
- 4.8 Cases where a third party alleges sexual harassment by an employee should be made as a [complaint](#).
- 4.9 All reports of sexual harassment where an employee is the alleged harasser must be shared with the HR Advisory Team (HRAdvisoryMailbox@Somerset.gov.uk).

5. Support Mechanisms

- 5.1 Employees requiring support may wish to contact the Employee Assistance Provider, [Care First](#), which offers free confidential counselling services. Links to specialist external support services can be found on the [Sexual Harassment page in the HR A-Z](#). Trade unions and professional associations can also play an important role in supporting employees.
- 5.2 Additional guidance and support for managers on how to deal with complaints of sexual harassment in the workplace is also available [here](#).

Version History

| Revision Date | Author | Version | Description of Revision |
|---------------|--------|---------|-------------------------|
| | | 1 | New Somerset Policy |
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