

Bolsover District Council

Meeting of Council
on 21st May 2025

Preventing Sexual Harassment Policy

Report of the Portfolio Holder for Resources

Classification	This report is Public
Contact Officer	Peter Wilmot, HR Business Partner

PURPOSE/SUMMARY OF REPORT

To approve a new Preventing Sexual Harassment Policy to ensure compliance with the government's Worker Protection (Amendment of Equality Act 2010) Act 2023.

REPORT DETAILS

1. Background

- 1.1 Following formal consultation at the Council's Union Employee Consultation Committee, Council is asked to approve the appended Preventing Sexual Harassment Policy.
- 1.2 In response to new 2024 UK legislation aimed at combating workplace sexual harassment, the HR Business Partner has undertaken a review of the current policy in place. The legislation obligates employers to take proactive measures to prevent sexual harassment and imposes stricter penalties for non-compliance, which includes increasing compensation awards by up to 25%. The legislation also establishes clearer pathways for victims to seek redress.
- 1.2 Current policies within the Council have served well but are not fully aligned with the new legislative requirements. Therefore, the introduction of a comprehensive and updated preventing sexual harassment policy is necessary to ensure compliance with the law and to foster a safe, respectful working environment for all employees.

2. Details of Proposal or Information

- 2.1 The proposed policy includes the following key components:

- 2.2 **Zero-Tolerance Stance:** The policy clearly defines what constitutes sexual harassment, including examples of inappropriate behaviour, and states that any form of harassment will not be tolerated.
- 2.3 **Prevention Measures:** As required by the new legislation, the organisation will implement specific preventive measures to reduce the risk of sexual harassment, including regular awareness training for all employees, awareness campaigns, and risk assessments of workplace culture.
- 2.4 **Clear Reporting and Investigation Procedures:** A confidential and accessible reporting mechanism will be established, ensuring victims and witnesses can come forward without fear of retaliation. Procedures for investigating complaints will also be implemented with transparent outcomes.
- 2.5 **Support for Victims:** In compliance with the legislation, the policy will ensure comprehensive support for victims, including access to counselling via the Council's Employee Assistance Programme or Occupational Health provision, adjustments to working conditions if needed, and regular follow-ups.
- 2.6 **Managerial Responsibility:** The new legislation introduces a "duty to prevent" requirement. This means managers and senior staff must take proactive steps to prevent sexual harassment, including creating an open culture where inappropriate behaviour is not tolerated. Under the proposed policy, managers will undergo enhanced training to recognise early signs of harassment and ensure proper workplace conduct.
- 2.7 **Legal Compliance and Accountability:** The updated policy reflects new legal obligations for employers, including the following:
- **Duty to Prevent Sexual Harassment:** Employers are now legally required to take all reasonable steps to prevent harassment from occurring. This extends beyond reactive measures and includes proactive training, communication, and visible commitment to addressing the issue.
 - **Vicarious Liability:** Employers will be held accountable for acts of sexual harassment perpetrated by employees unless they can prove they took all possible steps to prevent such behaviour. This amplifies the importance of prevention measures and comprehensive training.
 - **Third-Party Harassment:** Employers are now responsible for preventing harassment by third parties, such as clients or suppliers, in addition to internal employees. The policy includes mechanisms for reporting and addressing third-party incidents.
 - **Stricter Penalties:** Non-compliance with the legislation now results in heavier fines, and victims can seek compensation more easily through legal avenues. Employers will also be named in public reports for repeated non-compliance.

3. **Reasons for Recommendation**

- 3.1 This updated policy is recommended for several reasons:

- **Legal Compliance:** The most immediate need is to comply with the 2024 legislation. Failure to do so could result in legal action, financial penalties, and reputational damage.
- **Workplace Safety and Well-being:** A clear, robust policy sends a strong message that sexual harassment is not tolerated, fostering a safer and more supportive environment for employees.
- **Employee Morale and Retention:** Implementing proactive measures to prevent sexual harassment can increase trust between staff and management, improve morale, and reduce employee turnover.
- **Minimising Legal Risks:** A strong prevention framework will minimise legal risks for the organisation by ensuring that reasonable steps are taken to prevent harassment, thus reducing liability.

3.2 **Conclusion**

The introduction of a new, comprehensive preventing sexual harassment policy is both a legal and ethical necessity for the Council. It reflects the heightened obligations imposed by the 2024 legislation and aims to foster a respectful and safe work environment for all employees.

4 **Alternative Options and Reasons for Rejection**

- 4.1 The current policy was not written to meet the new legislative requirements, particularly regarding the “duty to prevent” clause and third-party harassment. Failure to update the policy would leave the Council vulnerable to legal non-compliance and associated penalties.

RECOMMENDATION(S)

1. That Council approves the adoption of this policy to ensure compliance, enhance workplace culture, and minimise legal and reputational risks.

Approved by Councillor Clive Moesby, Portfolio Holder for Resources

IMPLICATIONS:

<u>Finance and Risk</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Details: Not applicable.		
On behalf of the Section 151 Officer		
<u>Legal (including Data Protection)</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Details: Increased compliance with employment legislation is set out in the report and policy.		
On behalf of the Solicitor to the Council		

Staffing Yes ☒ No ☐

Details:

The policy provides additional reassurance of the Council's intentions of supporting equal and diverse work practices.

On behalf of the Head of Paid Service

Equality and Diversity, and Consultation Yes ☐ No ☐

Details:

Environment Yes ☒ No ☐

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

Details:

Not Applicable.

DECISION INFORMATION:

☒ **Please indicate which threshold applies:**

Is the decision a Key Decision?

A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:

Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or **(b)** Results in the Council incurring Revenue Expenditure of £75,000 or more.

Capital (a) Results in the Council making Capital Income of £150,000 or more or **(b)** Results in the Council incurring Capital Expenditure of £150,000 or more.

District Wards Significantly Affected:

(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)

Please state below which wards are affected or tick **All** if all wards are affected:

Yes ☐ No ☒

(a) ☐ (b) ☐

(a) ☐ (b) ☐

All ☐

Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i> If Yes, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i> Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i> Leader <input type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Yes <input type="checkbox"/> No <input type="checkbox"/>

Links to Council Ambition: Customers, Economy, Environment, Housing
This supports the Council's priority of ' <i>promoting equality, diversity, and inclusion, and supporting and involving vulnerable and disadvantaged people</i> '.

DOCUMENT INFORMATION:

Appendix No	Title
1	Preventing Sexual Harassment Policy

Background Papers
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).</i>
None.