

Sexual Harassment Policy

1. Policy Statement

The Council is committed to providing a workplace and public environment free from sexual harassment. The Council has zero tolerance and will take reasonable steps to prevent sexual harassment in accordance with the Equality Act 2010 and the Worker Protection (Amendment of Equality Act 2010) Act 2023. This policy complements the Dignity at Work, Grievance, Disciplinary, Equality, Whistleblowing, Social Media policies and the LGA Model Councillor Code of Conduct.

2. Scope

Applies to employees (including full time, part-time, temporary, casual), Councillors, volunteers, contractors, agency workers, consultants and anyone attending Council meetings or events.

3. Legal Framework

- Equality Act 2010;
- Worker Protection Act 2023;
- Health and Safety at Work etc. Act 1974;
- Employment Rights Act 1996.

4. Definition

Sexual harassment is unwanted conduct of a sexual nature, verbal or non-verbal, that violates dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It can include, but is not limited to:

- Unwanted/inappropriate touching or physical contact;
- Unwelcome sexual advances;
- Making sexual propositions, innuendos or suggestive comments
- Sexual jokes;
- Creating a hostile or offensive work environment based on gender or sexual orientation;
- Lewd or abusive comments of a sexual nature such as regarding an individual's appearance or body;
- Asking questions of a sexual nature;
- Displaying sexually explicit materials;
- Sending sexually explicit emails, messages, images.

A single incident can amount to harassment. Harassment can occur whether or not it is intended to be offensive, as it is the effect on the victim, which is important, not whether or not the perpetrator intended to harass them. Harassment or bullying is unacceptable even if it is unintentional.

Unlawful harassment may involve conduct: -

- Related to a protected characteristic of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief sex or sexual orientation;
- Of a sexual nature (sexual harassment); or
- Of treating someone less favourably because they have submitted or refused to submit to, sexual harassment, or harassment related to sex or gender reassignment.

Harassment is unacceptable even if it does not fall within any of these categories.

5. Third-Party Sexual Harassment

The Parish Council is committed to providing a safe and respectful working environment for all staff, volunteers, Councillors, contractors, and service users. This commitment extends to protecting our workforce from sexual harassment by third parties, including members of the public, service users, customers, visitors, suppliers, and contractors.

Legal Duty and Liability

The law requires the Parish Council, as an employer, to take reasonable steps to prevent sexual harassment by third parties.

Zero Tolerance

Sexual harassment by third parties will not be tolerated under any circumstances. All individuals interacting with the Parish Council are expected to behave in a respectful and appropriate manner.

Encouragement to Report

Armthorpe Parish Council encourages any worker who experiences or witnesses sexual harassment by a third party to report it immediately.

Reports can be made to:

- The Clerk;
- The Chair of the Council; or
- The Vice Chair.

Reports will be treated seriously and handled in a sensitive and confidential manner, in line with the Council's grievance and complaints procedures.

Preventive Measures

The Council will take reasonable steps to prevent third-party harassment, including but not limited to:

- Informing third parties of expected standards of behaviour;
- Displaying notices or statements about the Council's zero-tolerance approach;
- Training staff on how to respond to and report third-party harassment;
- Monitoring locations, events, and situations where harassment may be more likely to occur i.e.. Encouraging Councillors and staff not to attend a parishioner's home when on council business.

Responding to Complaints

When a complaint of third-party harassment is received, the Council will take appropriate steps to remedy the situation and prevent recurrence, which may include:

- Issuing a warning to the third party regarding their behaviour;
- Banning the third party from Council premises, events, or services;
- Reporting criminal behaviour to the police;
- Sharing relevant information with other organisations or branches as appropriate to safeguard staff and service users;
- Reviewing risk assessments and implementing additional controls if needed.

The Parish Council is committed to fostering a workplace where all individuals feel respected, safe, and supported. We will not hesitate to take firm action to address third-party sexual harassment.

6. Standards

Everyone must treat others with dignity and respect. Complaints will be taken seriously. Victimisation will not be tolerated.

7. Duty to Prevent Sexual Harassment

The parish council has a duty to take reasonable steps to prevent sexual harassment in the workplace. This includes:

- Implementing preventive measures such as regular training and clear communication of this policy;
- Referring employees and Councillors to the YLCA video on responsibilities of parish councils;
- Creating a culture of respect and inclusion;
- Taking proactive steps to identify and mitigate risks of sexual harassment.

8. Reporting

Report to the Line Manager, Parish Clerk, Chair, Vice-Chair (where appropriate) or Trade Union representative. Concerns may be raised informally or formally. Serious allegations will normally be investigated formally.

Informal Resolution

The Council recognises that complaints of harassment, particularly sexual harassment, may be sensitive. Where appropriate, individuals may:

- Raise concerns with a senior colleague or Councillor acting as a confidential helper;
- Ask the harasser informally to stop, verbally or in writing.

This approach is optional and not required where the matter is serious.

Formal Procedure

Where informal resolution is inappropriate or unsuccessful, individuals may submit a formal written grievance to:

- The Clerk to the Parish Council;
- The Chair of the Parish Council; or
- The Vice Chair of the Parish Council.

The grievance should include:

- The name of the alleged harasser;
- The nature of the alleged harassment;
- Dates and times of incidents;
- Names of any witnesses; and
- Any steps already taken.

9. Investigation

All complaints will be taken seriously and handled promptly and sensitively. If proven, the parish council will take prompt and effective action.

Procedure

The process will include:

- Acknowledging receipt of the complaint and respond to in a timely manner (normally within 28 days where practicable);
- Where appropriate, the parish council will attempt to discuss the matter with the third party;
- Where necessary, steps will be taken to separate the parties during the investigation;
- All parties must maintain confidentiality.
- Depending on who the allegation concerns:
- Allegations against employees or Councillors will be investigated by appropriate officers or Councillors;
- Allegations against the Clerk will be investigated by the Chair and Vice Chair.

Conducting a thorough and impartial investigation with an impartial investigator:

- obtain evidence;
- interview parties and witnesses;
- issue an investigation report;
- determine outcome;
- offer appeal.
- Keeping all parties informed of the progress;
- Ensuring confidentiality as much as possible;
- Consider how best to manage any ongoing working relationship between the council, the perpetrator and the person concerned.

Subject to the outcome of an investigation, the parish council may consider a range of formal and, potentially, informal options where both the council and the person making a complaint think this is appropriate.

Breaches may result in disciplinary action. If allegations are upheld, disciplinary action will be taken in line with the Council's disciplinary procedures, up to and including dismissal.

Councillors may also be subject to appropriate actions if found to be engaged in sexual harassment.

No individual will be victimised for raising or supporting a complaint.

10. Managers

Managers must respond immediately, preserve confidentiality, seek HR advice if needed, support affected individuals and implement interim measures where necessary.

11. Councillor Complaints

Complaints involving councillors may also be considered under the Council's adopted Code of Conduct and referred to the Monitoring Officer where appropriate.

12. Support

Support includes confidential meetings, occupational health, counselling, workplace adjustments and signposting to specialist organisations.

13. Time Off

Paid time off should normally be granted for counselling, medical appointments and investigation meetings. Such absence should not count towards absence triggers.

14. Risk Assessment

Managers should review risks relating to lone working, public/evening meetings, home visits, events, social media, alcohol at events and public interaction, recording preventative measures and annual reviews.

15. Training and Awareness

Mandatory induction and refresher training for employees and councillors every three years, or following legislative change, on this policy and their rights and responsibilities regarding sexual harassment prevention and reporting.

16. Compliance

All employees, contract workers, volunteers, elected officials as well as third-party users (customers, parishioners, service users) associated with Armthorpe Parish Council are expected to comply with this policy at all times. Failure to do so may result in disciplinary action, up to and including termination.

17. Confidentiality

Information will be shared only where necessary. Malicious allegations may be dealt with under disciplinary procedures.

18. Monitoring

Policy reviewed every year or sooner after legislative changes or significant incidents by the Staffing Committee.

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