Harrietsham Parish Council

Sexual Harrassment Prevention Policy

Harrietsham Parish Council is committed to providing a safe working environment in which everyone is treated with dignity and respect, and which is free from sexual harassment, harassment and victimisation. Sexual harassment is unlawful and will not be tolerated by the Council. The Council recognises that it has a positive legal duty to prevent sexual harassment and is committed to taking proactive steps to identify and reduce the risk of sexual harassment occurring, rather than relying solely upon responding to incidents after they have occurred.

From 30th October 2026, the Council is required to take **all reasonable steps** to prevent sexual harassment of its employees. The Council also recognises its responsibilities in relation to harassment by third parties. The Council will therefore take appropriate and proportionate preventative measures having regard to the nature, size and activities of the Council and the circumstances in which its employees undertake their work.

Legal Framework

This policy has been prepared having regard to relevant legislation and guidance, including:

- the Equality Act 2010;
- the Worker Protection (Amendment of Equality Act 2010) Act 2023;
- the Employment Rights Act 2025;
- the Employment Rights Act 1996, where applicable;
- the ACAS Code of Practice on Disciplinary and Grievance Procedures;
- current ACAS guidance on sexual harassment and harassment at work; and
- Equality and Human Rights Commission guidance on preventing sexual harassment at work.

Under section 26 of the Equality Act 2010, sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. The Worker Protection (Amendment of Equality Act 2010) Act 2023 introduced a preventative duty on employers to take reasonable steps to prevent sexual harassment. The Employment Rights Act 2025 strengthens these protections.

This policy applies to all Council staff.

The standards of behaviour contained within this policy are also expected of Councillors, contractors, consultants, volunteers, suppliers, visitors and other people who interact with Council employees in connection with Parish Council business.

The policy applies to conduct occurring in connection with an employee's work for the Parish Council, including:

- the Parish Council office and other Council workplaces;
- Parish Council and Committee meetings;
- Council-owned or managed land and facilities;
- other premises at which an employee is required to attend in the course of Parish Council business;
- meetings away from Council premises;
- Parish Council training sessions, conferences and work-related events;
- Parish Council work-related social events;
- home and remote working;
- work-related travel;
- telephone calls and video meetings;
- emails, text messages and messaging applications;

- social media and other online communications; and
- interactions with Councillors, residents, contractors, suppliers and members of the public arising from Parish Council business.

Conduct does not necessarily have to take place during normal working hours or on Council premises to fall within this policy if there is a sufficient connection with an individual's employment or work for the Parish Council.

What is Sexual Harassment?

Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of:

- violating a person's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

When considering whether conduct has had this effect, relevant matters include the perception of the person experiencing the conduct, the other circumstances of the case and whether it was reasonable for the conduct to have that effect. The person engaging in the behaviour does not need to have intended to cause offence for the behaviour to constitute sexual harassment. Sexual harassment can be a single incident or a pattern of behaviour. It can occur between people of the same or different sexes or genders and can be carried out by anyone, regardless of their position.

Examples of Sexual Harassment

Sexual harassment can take many forms. Examples include, but are not limited to:

- unwanted physical contact, touching, hugging or kissing;
- sexual advances or propositions;
- repeated or unwanted requests for dates;
- sexual comments or remarks;
- sexual jokes or so-called "banter";
- comments about someone's body, appearance, clothing or sex life;
- intrusive questions about someone's private or sexual life;
- sexual gestures, staring or suggestive looks;
- displaying sexually explicit or suggestive material;
- sending or sharing sexual images, videos, jokes or messages;
- inappropriate comments or behaviour through email, text messages, messaging applications or social media;
- spreading sexual rumours about someone;
- unwanted sexual attention;
- making promises or threats in return for sexual favours;
- treating someone less favourably because they rejected or submitted to sexual conduct; and
- creating or contributing to a sexualised working environment.

Behaviour described as joking, teasing or banter can still amount to sexual harassment if it is unwanted and meets the legal definition.

A person does not have to have previously objected to behaviour for it to be considered unwanted.

Harassment Related to Sex

Harassment related to sex is distinct from sexual harassment but is also prohibited.
This is unwanted conduct related to a person's sex which has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.
Examples could include derogatory comments about women or men, sexist jokes, or treating someone in a demeaning manner because of their sex.

Third-Party Harassment

The Council recognises that employees may experience harassment from people who are not Council employees whilst carrying out Parish Council business.

For the purposes of this policy, third parties may include:

- Councillors;
- residents;
- members of the public;
- contractors and tradespeople;
- suppliers;
- consultants;
- representatives of other organisations or public authorities; and
- visitors or attendees at Parish Council meetings or events.

Employees should not be expected to tolerate harassment simply because the person responsible is not employed by the Council. The Council will assess the risks arising from employees' interactions with third parties in the course of their Parish Council employment and will take all reasonable preventative steps.

Where inappropriate behaviour occurs, action may include, depending upon the circumstances:

- challenging the behaviour;
- warning the individual that their behaviour is unacceptable;
- requiring future communications to be made through a specified route;
- requiring meetings to take place with additional persons present;
- changing arrangements to protect the employee;
- restricting an individual's access to Council premises where lawful and appropriate;
- reviewing contractual or hiring arrangements;
- raising the matter with the third party's employer or organisation;
- terminating contractual arrangements where appropriate;
- reporting conduct to another authority or the police where appropriate; or
- taking other proportionate measures necessary to protect employees.

The Council will not regard harassment by residents or members of the public as simply being "part of the job".

Councillors

Councillors are expected to treat Council employees with dignity and respect and to comply with the standards of behaviour expected by the Council and the Members' Code of Conduct. Where an allegation of sexual harassment involves a councillor, the Council must consider its responsibilities as an employer, irrespective of whether the conduct may also constitute a breach of the Members' Code of Conduct.

A complaint involving a Councillor will therefore not automatically be dealt with solely as a Code of Conduct complaint. Where appropriate, the matter will be referred to the Monitoring Officer in accordance with the applicable Code of Conduct arrangements; however, the Council will also consider what immediate and longer-term steps are necessary to protect the employee and fulfil its legal responsibilities as an employer.

The Parish Council's Preventative Duty

Harrietsham Parish Council recognises that adopting a policy alone is not sufficient to discharge its preventative duty. The Council will take all reasonable steps to prevent sexual harassment. Depending upon the circumstances, these will include:

- maintaining and regularly reviewing this policy;
- undertaking and regularly reviewing a sexual harassment risk assessment;
- identifying situations where employees may be particularly exposed to harassment;
- considering risks associated with lone working;
- considering public-facing roles and contact with residents;
- considering interactions between employees and Councillors;
- considering meetings, events and work outside normal working hours;
- considering risks associated with contractors, hirers and other third parties;
- considering risks arising from electronic and online communications;
- ensuring employees know how and to whom concerns can be reported;
- providing more than one reporting route;

- providing appropriate training to employees;
- providing appropriate training or information to Councillors;
- ensuring those receiving complaints understand how they should be handled;
- recording and monitoring reported incidents;
- identifying recurring patterns or areas of risk;
- taking prompt action where inappropriate behaviour is identified;
- reviewing preventative measures following incidents; and
- considering whether any additional reasonable preventative steps can be taken.

The Council will keep these measures under review.

Risk Assessment

The Council will maintain a proportionate assessment of the risk of sexual harassment occurring in connection with its activities. The risk assessment will consider, where relevant:

- lone working;
- public-facing work;
- interaction with Councillors;
- contact with residents and members of the public;
- contractors and suppliers;
- Parish Council and Committee meetings;
- events;
- work outside normal working hours;
- working at different Council sites;
- home and remote working;
- electronic communications and social media;
- previous incidents or concerns; and
- any other circumstances which may increase the risk of harassment.

Identified risks will be considered and appropriate preventative measures implemented.

Responsibilities

1. The Parish Council

The Council is responsible for ensuring that appropriate arrangements and resources are in place to prevent and respond to sexual harassment.

2. Councillors

Councillors are expected to:

- maintain appropriate professional boundaries;
- treat employees and others with dignity and respect;
- avoid conduct which could constitute harassment;
- challenge inappropriate behaviour where appropriate; and
- support the Council in meeting its responsibilities as an employer.

3. Line Managers

Anyone with responsibility for managing employees must:

- take concerns seriously;
- act promptly when concerns are raised;
- challenge inappropriate behaviour;
- consider whether protective action is necessary; and
- not ignore potentially inappropriate behaviour merely because no formal complaint has been made.

4. Employees

Employees are expected to:

- treat colleagues and others with dignity and respect;
- comply with this policy;
- undertake required training; and
- report concerns or incidents they experience or witness where they feel able to do so.

Reporting Sexual Harassment

Employees are encouraged to report sexual harassment or inappropriate behaviour as soon as reasonably practicable. An employee does not have to confront the person responsible before raising a concern. Where an employee feels comfortable doing so, they may tell the person that their behaviour is unwanted and ask them to stop. However, there is no requirement to do this.
Concerns can be raised informally or formally.

Ordinarily, an employee may raise a concern with:

- the Parish Clerk; or
- an appropriate Councillor.

The Council will ensure that employees have an alternative reporting route where the normal person to whom a concern would be reported is involved in the allegation. Where the complaint concerns the Parish Clerk, the complaint should be made to the Chair of the Staffing Committee. Formal complaints may be considered under the Council's Grievance Procedure or another appropriate procedure according to the circumstances.

Witnessing Sexual Harassment

An employee who witnesses sexual harassment or inappropriate sexual behaviour is encouraged to report it. A person may themselves be affected by harassment even where the behaviour was directed towards somebody else. Managers and others with responsibility who witness or become aware of potentially inappropriate behaviour must consider whether action is required and should not automatically wait for the affected employee to make a formal complaint.

Responding to a Complaint

All complaints will be taken seriously and handled promptly, sensitively and fairly.
The Parish Council will:

- listen to the person raising the concern;
- establish what action they would like to be taken, while recognising that the Council may have to act even where a formal complaint is not requested;
- consider whether immediate protective measures are necessary;
- determine the appropriate procedure;
- ensure that any investigation is fair and impartial;
- keep appropriate records;
- communicate with the parties as appropriate; and
- consider whether further preventative action is required.

The Council will follow the principles of the ACAS Code of Practice where disciplinary or grievance procedures apply.

Investigation

Where a formal investigation is required, an appropriate person will be appointed to undertake it. The investigator should be impartial and should not have been directly involved in the matters complained of. Where the circumstances warrant it, including where an allegation involves a senior employee or Councillor, the Council may appoint an independent external investigator. Both the person making the complaint and the person against whom the allegation has been made will be treated fairly. An allegation will not be treated as proven until the appropriate process has been completed.

Interim Protective Measures

The Council may put temporary measures in place while a complaint is being considered or investigated. These measures are precautionary and do not amount to a finding that misconduct has occurred. Where reasonably possible, the Council will seek to avoid placing the burden of protective arrangements upon the employee who has reported harassment.

Measures will depend upon the circumstances but may include changes to working arrangements, communication arrangements, meeting arrangements, reporting lines or contact between the persons involved.

Confidentiality

Complaints and investigations will be handled as sensitively and confidentially as reasonably possible. Information will only be shared with those who need it for the purposes of considering, investigating or resolving the matter or complying with the Council's legal obligations.

Absolute confidentiality cannot be guaranteed, as information may need to be disclosed to allow a fair investigation or appropriate action to be taken. Personal data will be handled in accordance with the Council's data protection obligations.

Victimisation and Retaliation

The Parish Council will not tolerate victimisation or retaliation against anyone because they have:

- raised a concern about sexual harassment;
- made a complaint;
- supported another person's complaint;
- provided information;
- acted as a witness;
- participated in an investigation; or
- exercised rights under equality legislation.

Victimisation may itself be unlawful and, where committed by an employee, may result in disciplinary action.

Malicious or Deliberately False Complaints

A complaint which is not upheld is not, for that reason alone, a false, malicious or bad-faith complaint. No action will be taken against someone merely because there was insufficient evidence to substantiate their complaint. However, where there is clear evidence that an allegation was deliberately fabricated or made maliciously, the Council may consider appropriate action under its disciplinary procedures.

Support

The Council recognises that experiencing, witnessing or being accused of sexual harassment can be distressing. Appropriate support will be considered according to the circumstances. Employees will be informed of any available sources of support and will be treated sensitively throughout the process.

Where an employee requires reasonable time away from work to obtain specialist support or attend relevant appointments following sexual harassment, the Council will consider appropriate arrangements on an individual basis.

Training and Awareness

The Council will provide appropriate sexual harassment prevention training and information to employees and Councillors.

Training will cover, as appropriate:

- what constitutes sexual harassment;
- acceptable and unacceptable behaviour;
- third-party harassment;
- how concerns can be reported;
- how reports should be handled;
- responsibilities for preventing harassment; and
- how inappropriate behaviour should be challenged.

Training will be refreshed periodically and following significant changes in legislation, guidance, identified risks or working arrangements. Additional guidance or training will be provided where appropriate to anyone responsible for receiving or investigating complaints.

Record Keeping and Monitoring

The Council will maintain appropriate confidential records of reported incidents, action taken and outcomes in accordance with its data protection and records management obligations.
The Council will periodically consider whether incidents or concerns indicate:

- recurring behaviour;
- particular areas of risk;
- shortcomings in existing preventative measures;
- a need for additional training; or
- additional reasonable preventative steps which should be implemented.

Information used for general monitoring will be anonymised where appropriate.

Whistleblowing

The Employment Rights Act 2025 strengthens the legal framework relating to disclosures concerning sexual harassment. Depending upon the circumstances, a disclosure of information concerning sexual harassment may qualify for protection under whistleblowing legislation where the statutory requirements for a protected disclosure are met.

Nothing in this policy is intended to prevent or discourage an employee from making a protected disclosure or exercising any other statutory right.

Non-Disclosure and Confidentiality Provisions

Nothing in this policy, an employment contract, settlement agreement or other agreement should be interpreted as preventing a worker from making a disclosure or allegation about harassment or discrimination where the law protects their right to do so.

The Council will comply with the restrictions introduced by the Employment Rights Act 2025 concerning contractual provisions which seek to prevent workers from speaking about harassment or discrimination.

Relationship with Other Council Policies

This policy should be read alongside the Parish Council's:

- Grievance Procedure;
- Disciplinary Procedure;
- Equality and Diversity Policy;
- Bullying and Harassment Policy;
- Dignity at Work Policy;
- Code of Conduct for Members;
- Complaints Policy;
- Lone Working Policy;
- Health and Safety arrangements;
- Whistleblowing Policy;
- Data Protection Policy; and
- other relevant employment policies and procedures.

Where there is any conflict, the Council will have regard to its statutory duties and current legislation and guidance.

Review Following an Incident

Following a complaint or incident, irrespective of whether the complaint is ultimately upheld, the Council will consider whether the circumstances identify a wider risk or indicate that additional preventative measures should reasonably be taken.
This may include reviewing:

- the sexual harassment risk assessment;
- working arrangements;
- training;
- reporting procedures;
- arrangements for dealing with third parties;
- contractual or hiring arrangements;
- Council policies; and
- any other preventative measures.

Review of this Policy

This policy will be reviewed at least annually and earlier where:

- relevant legislation changes;
- ACAS, The Equality and Human Rights Commission (EHRC) or other authoritative guidance changes;
- regulations are made specifying reasonable preventative steps;
- a complaint or incident identifies shortcomings in existing arrangements;
- the Council's working arrangements materially change; or
- the Council identifies additional reasonable preventative measures.

The Council recognises that the requirement to take **all reasonable steps** is an ongoing duty. It will therefore keep its arrangements under review and consider whether there are further steps which it could reasonably be expected to take to prevent sexual harassment and harassment by third parties.