

**Personnel
Advice &
Solutions Ltd**

**COUNCIL NEWS
FEBRUARY 2024**

Council's New Duty to Prevent Sexual Harassment

From October 2024 new legislation (s40A Equality Act 2010) will create additional legal requirements for Councils, along with all Employers, to take proactive steps to prevent Sexual Harassment at Work. Councils will not be able to simply rely on paper-based training and policies within staff handbooks to defend themselves against claims of Harassment. Instead they will need to take pro-active steps to demonstrate that they are preventing the problem.

Although the Government has not yet issued a step-by-step guide as to what proactive steps are, the following Town/Parish Council specific guidance notes have been developed from the Equality and Human Rights Commissions as recommendations for all Employers.

- The Full Council, or a Committee with delegated responsibility, will need to review existing procedures, including defining what constitutes harassment, steps to take should the problem arise, protection the Council will provide to those reporting it, and sanctions against offenders. As a result, a policy and procedure that is specific to the needs of the Council should be drafted.
- Staff should be consulted on the draft policy and procedure, to get their suggested adjustments, as well as commitment to the document.
- The document should be issued to Councillors, staff and displayed in public areas.
- All Councillors and staff should either attend a briefing session regarding how the new/updated policy and procedure works, or be required to read the document and sign it to confirm that they understand and will comply with it.
- This will need to be repeated on an annual basis to ensure that the training doesn't become outdated. Provision of annual training would enable a Council to demonstrate that it has taken reasonable steps to prevent the problem. This can provide the Council with a valuable defence if it has to defend a claim of Sexual Harassment at the Employment Tribunal.
- The policy and procedure should include a simple and user-friendly reporting process should problems occur, as well as set out what action will be taken against offenders. For example, Employees who are found to have committed acts of Sexual Harassment would be accused of Gross Misconduct.

- Elected Members who are accused of Sexual Harassment may have breached the Integrity Standard of the Code of Conduct. In these circumstances the Council could report the problem to the District Monitoring Officer, asking for the matter to be addressed promptly and without undue delay.

All Councillors and Employees of the Council should be fully aware of the Policy and Procedure, and understand how it can be implemented.

From October 2024 Councils could face a surcharge of 25% on top of any compensation awarded to an Employee who successfully makes a claim of Sexual Harassment at an Employment Tribunal, if a Council cannot demonstrate how they have complied with the new rules.

PROFILE

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