



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Ethical Governance & Personnel Committee 24 June 2025

Wards affected: All wards

Sexual Harassment Prevention Duty 2024

Report of Director Corporate Services

1. Purpose of report

- 1.1 To update members of the new Sexual Harassment Prevention Duty and to consider the implications of the duty for the council.

2. Recommendation

- 2.1 It is recommended that the Ethical Governance & Personnel Committee:
- Notes the new duty and the requirements to meet it
 - Notes the new sexual harassment risk assessment for the council
 - Endorses the suite of initiatives proposed to roll out to staff regarding sexual harassment and how to report any issues.

3. Background to the report

- 3.1 The new duty which came into force on 26 October 2024 requires employers (of any size) to take 'reasonable steps' to prevent sexual harassment of its workers in the course of their employment.
- 3.2 The duty requires employers to take a more proactive approach to prevent sexual harassment of its workers. Having a proactive rather than reactive approach makes commercial sense given that any form of harassment has a negative impact upon turnover levels, long term sickness and the organisation's reputation and culture.
- 3.3 Whilst broader equality legislation prohibits harassment in general terms, the new duty sets out that employers must anticipate situations in which workers

may be subject to such harassment and take action to prevent that harassment from ever taking place.

Third-party harassment

- 3.4 The duty is wide enough to also include harassment by a third party. Employers need to take particular attention to the risks staff may be subjected to third-party harassment, for example by customers and contractors, and working in host organisations and to take reasonable steps that prevent sexual harassment taking place.
- 3.5 Whilst an employer cannot be liable in an employment tribunal for third party harassment, the EHRC has made it clear that it can use its statutory enforcement powers against an employer. Steps that an employers can take include:
- ✓ Training to staff on handling difficult interactions with third parties such as: setting boundaries, making bystander interventions and empowering staff to remove themselves from difficult situations
 - ✓ Giving additional training to managers so they are able to support individuals who have been subject to third party harassment and
 - ✓ Ensuring that the councils zero tolerance to sexual harassment is put on notices in the workplace and sent to third parties via email.

Review the councils anti-harassment policy and procedures

- 3.6 The council's current Grievance Policy has a specific section regarding bullying and harassment and also refers to third party harassment. The policy was reviewed in 2023 and therefore complies with the duty as it includes:
- A clear definition of what constitutes sexual harassment with specific examples of sexual harassment
 - The consequences for perpetrators of sexual harassment, highlighting the potential for disciplinary action up to and including dismissal
 - What an employee should do if they are subjected to it in the course of their employment and
 - The employers approach to third-party harassment

Provide anti-harassment training for staff

- 3.7 To support the new duty the council should review how it is delivering anti-harassment and anti-bullying training. The council already provides mandatory online and face to face training for staff in this area and this has been in place for many years.
- 3.8 Raising awareness is very important as nationally, despite employers having sound procedures in place, sexual harassment is still under-reported, particularly regarding third party harassment. Of more relevance is a report of sexual harassment at another local council, where the victim (who was a lone worker operating at another building where the third party was operating from)

delayed reporting the issue as they perceived that the council could not do anything about the perpetrator, as it was a third party.

- 3.9 The council has recently sourced training specifically relating to sexual and third-party harassment and this will be delivered as a mandatory course via the online platform, Skillgate. This is scheduled to be launched in June. Manual workers will watch recorded footage of drama-based training as part of their equality training. Recents recordings has been updated to reflect sexual and third-party harassment. This will also be launched in June.

Signposting

- 3.10 HR will also be working with the Communications Team to refresh the equalities posters around the building. The posters will be more specific relating to sexual harassment and third-party harassment. The location of the posters will be broader than the council offices, and these will be determined by the risk assessment. The posters will also be located on the new SharePoint site.

Undertaking sexual harassment risk assessments

- 3.11 The Equality and Human Rights commission has recommended that employers carry out sexual harassment risk assessments as the new guidance states that employers who do not carry out the assessments are unlikely to comply with the preventative duty.
- 3.12 Employers will need to evaluate:
- The risk of workers being exposed to sexual harassment in the workplace and
 - The steps that can be taken to minimise those risks.
- 3.13 A risk assessment has been completed based upon the guidance set out at **Appendix A**. This assessment identifies the hazards and risks for staff and relevant mitigation including delivery of training and signposting to raise awareness, ensuring that we have up to date policies and procedures and assessment of job role and work location. The assessment also includes controls for third party harassment and staff based in work areas other than at home or at the main council offices.
- 3.14 The new duty will be communicated to staff over the coming months with posters, training and an email launch to managers guiding them to the Health and Safety SharePoint page.

4. Exemptions in accordance with the Access to Information procedure rules

- 4.1 Open Session

5. Financial implications (DW)

5.1 None

6. Legal implications (ST)

6.1 In the body of the report.

7. Corporate Plan implications

7.1 This directly meets the Corporate aim People: Helping people to stay safe, healthy, active, and in employment.

8. Consultation

8.1 This is a statutory update.

9. Risk implications

9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

10. Knowing your community – equality and rural implications

10.1 The duty falls under the Equality Act 2010 and protects employees against sexual harassment at work.

11. Climate implications

11.1 None.

12. Corporate implications

12.1 By submitting this report, the report author has taken the following into account:

- Community safety implications
- Environmental implications
- ICT implications
- Asset management implications
- Procurement implications
- Human resources implications
- Planning implications
- Data protection implications

- Voluntary sector

Background papers: None.

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