



# **Sexual Harassment policy**

## **Guidance for councillors**

## Contents

Introduction .....	3
What is sexual harassment? .....	3
Roles and responsibilities .....	4
If you've been sexually harassed at the council.....	5
Make a note of what happened .....	5
Witnessing sexual harassment in the council .....	5
Bystander intervention .....	6
Confidentiality .....	6
Help after sexual assault or rape.....	7
External links .....	7

DRAFT

## Introduction

Dorset Council is committed to providing an inclusive and supportive working environment for everyone who works here including officers and councillors. This includes a zero-tolerance approach to sexual harassment and what appropriate steps should be taken to achieve this. All workplaces should be free from any form of harassment and Dorset Council is no exception. We will treat such matters very seriously.

A separate policy on sexual harassment is available to officers. This document is based on the officer policy but is specifically focused towards councillors and includes ways that members can seek support and report any unwanted behaviours.

The policy aims to:

- reinforce Dorset Council's commitment to take prompt and appropriate action in response to any allegation of sexual harassment
- ensure everyone understands what sexual harassment is, can openly and confidently discuss concerns about inappropriate behaviour in the workplace, and are clear on Dorset Council's policy and practices.
- reinforce the council's role in setting a wider example to our communities, aiming to set a structural example as part of wider change in the community regarding sexual harassment and assault.

The policy is part of Dorset Council's commitment to equality and diversity. We are committed to creating a workplace that respects and values differences, that promotes dignity and combats prejudice, discrimination, and harassment.

Councillors are not employees but the policy aims to make clear the standards of behaviour expected from councillors, consistent with the [council's core behaviours](#) and the [LGA's model code of conduct](#).

Issuing this guidance to councillors is one of the ways in which the Chief Executive as Head of Paid Service discharges his duty of care and responsibility to ensure a safe working environment for employees.

We do not tolerate sexual harassment at Dorset Council, and we will always investigate and take appropriate action.

## What is sexual harassment?

Sexual harassment is unwanted behaviour of a sexual nature.

The law (Equality Act 2010) protects the following people against sexual harassment at work:

- employees
- agency workers and contractors
- self-employed people hired to personally work for the council
- job applicants

While not employees or other types of workers referred to in the Act, we also expect our councillors to be able to carry out their duties within the council without harassment.

To be classed as sexual harassment, the unwanted behaviour must have either:

- violated someone's dignity, whether it was intended or not
- created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not

It can be carried out or experienced by anyone of the same gender or different gender. The person engaging in unwelcome behaviour does not have to intend to be sexually harassing the other person for the behaviour to be considered sexual harassment. Regardless of what was intended, sexual harassment is defined by the nature and the impact of the behaviour, not the intention behind it.

**A key element of sexual harassment is that it is unwelcome.**

It is important to note that if a person does not object to inappropriate behaviour at the time; it should not be assumed that they are giving their consent. Consent exists where clear and unambiguous consent has been freely given and continues to be given.

It is possible that a person does not object to inappropriate behaviour at the time due to reasons such as, feeling of shame, powerlessness, embarrassment, lack of confidence and inability to feel as though they can challenge a colleague or superior.

Sexual harassment has many forms of variable seriousness. A person sexually harasses someone when they:

- insinuate, propose or demand sexual favours of any kind.
- invade another person's personal space (e.g. inappropriate touching).
- stalk, intimidate, coerce, or threaten another person to get them to engage in sexual acts.
- send or display sexually explicit objects or messages.
- online sexual harassment, where digital technologies are used to facilitate both virtual and face to face harassment, for example the sharing of unsolicited sexual images, videos, messages, the non-consensual creation and/or distribution of sexual images, or sexual coercion, threats and intimidation online.
- comment on someone's looks, dress, sexual orientation, or gender in a derogatory or objectifying manner or a manner that makes them uncomfortable.
- make obscene comments, jokes or gestures that humiliate or offend someone.
- pursue or flirt with another person persistently without the other person's willing participation. Also, flirting with someone at an inappropriate time (e.g. in a meeting) is considered sexual harassment, even when these advances may have been welcome in a different setting.

The most extreme form of sexual harassment is sexual assault. This is a serious crime and Dorset Council will support employees and councillors who want to press charges against offenders.

## **Roles and responsibilities**

All councillors are responsible for:

- modelling appropriate behaviour
- taking personal responsibility to raise concerns about any sexual harassment in the workplace, whether this was experienced personally or witnessed. Concerns should be raised with the Monitoring Officer or the Deputy Monitoring Officer
- contributing to a respectful and productive working environment
- being willing to help and support their colleagues
- treating any allegations or complaints of sexual harassment with appropriate confidentiality
- ensuring that a person is not victimised for making or being involved in a complaint of sexual harassment

Councillors have a defining influence on the working culture and setting the tone for expectations around dignity and respect. It is expected that councillors will take a visible lead on the issue and set the tone for fostering a working environment where people feel empowered to speak up. The role-modelling of respectful behaviour will be instrumental in setting the right expectations for everyone.

## **If you've been sexually harassed at the council**

If you've experienced sexual harassment at the council from an officer, councillor or member of the public, you can make a complaint. Please inform Jonathan Mair, the Monitoring Officer. (01305 838074 or [jonathan.mair@dorsetcouncil.gov.uk](mailto:jonathan.mair@dorsetcouncil.gov.uk)) or Grace Evans, Deputy Monitoring Officer (01305 225021 or [grace.evans@dorsetcouncil.gov.uk](mailto:grace.evans@dorsetcouncil.gov.uk))

Dorset Council will take your complaint very seriously and will handle it fairly, sensitively and confidentially.

## **Make a note of what happened**

It's a good idea to make a note of what's happened. This should include dates, times and names, including any witnesses. Making a note can be especially helpful if you find talking about the experience particularly distressing.

If you're thinking about recording what's happened you should be aware of the risks of recording, or secretly recording – for example on your phone. This is a complicated area of the law. It is advised that you follow guidance provided by Dorset Police or the [Sexual Trauma and Recovery Service \(STARS\)](#).

## **Witnessing sexual harassment in the council**

If you see someone being sexually harassed at the council, you could step in and try to stop it happening, if you feel it's safe to do so.

After it's happened, you can:

- support a complaint made by the person who experienced the sexual harassment
- report what you've seen
- give evidence as a witness, for example at a hearing
- make a sexual harassment complaint yourself because what you've seen has violated your dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for you

If you're making a complaint yourself, you do not need the permission of the person who's been sexually harassed.

You must not be victimised if you make or support a complaint, or act as a witness. This means you must not be:

- stopped from giving evidence
- treated unfairly because you've made a complaint, given evidence or supported a complaint

Ways you could support someone else's complaint include things like:

- making a statement, which may or may not mean you appear as a witness at a hearing

- giving evidence that the person accused of sexual harassment had also sexually harassed you in another incident
- comforting or supporting someone who's experienced sexual harassment

## **Bystander intervention**

Bystanders, including colleagues, who witness or are aware of sexual harassment, can play an important role in preventing sexual harassment in the workplace. When grounded in behaviours of integrity and respect, action taken by colleagues can positively impact on defining workplace culture.

When safe to do so, bystanders that are aware of sexual harassment are encouraged to:

- provide support to the colleague who is being subjected to sexual harassment,
- challenge concerning behaviour, and
- report sexual harassment

In some situations, a witness may wish to remain anonymous and where appropriate, anonymity will be provided. However, it may not be possible in all circumstances to keep the identity of a person, or people providing information, confidential.

In some situations, it may be the case that full details of allegations are required for appropriate inquiries to be made or so that a respondent is afforded procedural fairness and natural justice.

If you are witness to a problematic or potentially problematic situation you should:

- Notice: pay attention to what is going on around you
- See it as a problem: recognise the situation as a problem
- Assume personal responsibility: do not assume someone else will do something
- Know how to help: make sure you can keep yourself safe
- Implement the help: act in one of the following ways:
  - Direct – this involves direct intervention, for example, going and talking in a calm way to the people involved
  - Distract – point out something else, distract the instigator, for example with re-directing them with a work issue
  - Delegate – if there is someone else with more power available, make them aware
  - Delay – always make sure that the person who experienced harassment is ok afterwards and check in on them

## **Confidentiality**

Disclosures of sexual harassment will be treated in confidence. However, in some instances, a matter may need to be escalated or referred without agreement from the employee, particularly in circumstances that may:

- constitute a criminal offence,
- constitute an occupational health and safety risk, or
- require disciplinary action

If for instance a complaint needs to be escalated to the police we will work with them to ensure that the confidentiality of victims and witnesses are respected as part of their processes. If we need to escalate a complaint we will notify the person who made the disclosure who it is we have escalated it to and why.

## Help after sexual assault or rape

You can get help and information from:

- [Galop](#) – LGBT+ sexual violence support
- [Rape Crisis England and Wales](#)
- [the Survivors Trust](#)
- [SurvivorsUK](#) – male rape and sexual abuse support
- [Victim Support](#)
- STARS [Sexual Trauma and Recovery Services \(STARS\) \(starsdorset.org\)](#)

Find out about other help after rape and sexual assault on the [NHS website](#).

To contact the police:

- call 999 if you or someone else is in immediate danger
- call 101 if it's not an emergency

To report a crime online, visit:

- [Police.uk](#) for England and Wales

When you're reporting a crime, you can ask to speak to a specialist officer who's trained to deal with sexual violence.

## External links

Equality and Human Rights Commission. [Sexual Harassment in the Workplace](#).

ACAS. [What Sexual harassment is](#)