

East Herts Council Report

Local Joint Panel

Date of meeting: Wednesday 30 October 2024

Report by: Joseph Dumont– Executive Member for Corporate Services

Report title: Bullying and Harassment Policy Update

Ward(s) affected:

Summary –

The Bullying and Harassment policy was reviewed in October 2024 to include provisions from the Worker Protection Act (2024). An amendment to the existing Equality Act 2010 Section 40A turns the duty to safeguard against sexual harassment in the workplace into an active provision and expands the duty to protect against third parties. This report explains the amendments to the policy and includes the council's action plan to ensure the provision is proactively working to protect staff.

RECOMMENDATIONS FOR The Local Joint Panel to:

- a)** Recommend the Human Resources Committee, to approve the updated Bullying and Harassment Policy.

- b)** Recommend the Human Resources Committee to approve the action plan.

1.0 Proposal(s)

- 1.1 The proposals are set out in the recommendations below.

1.0 Background

- 1.1. From 26th October 2024, the Worker Protection Act (2024). An amendment to the existing Equality Act 2010 Section 40A comes into effect, requiring all employers to take proactive measures to safeguard against sexual harassment. The Council believes this active provision can be extended to all harassment to

cover the protected characteristics outlined in the Equality Act 2010 and provide a safe working environment for all staff.

- 1.2. The council has included reasonable steps identified that HR and the Services in the council will implement. This hasn't been detailed exhaustively in the policy to allow the agility to respond to issues and feedback. Outside of this report to respond to the change in legislation, the council will report on statistics and action plans in the Equalities report delivered to the HR Committee annually.

3.0 Reason(s)

- 3.1 Section 12 has been included in the policy to cover the new duty and ensure the council actively reviews the provision.

12.0 “Reasonable Prevention of Harassment.

12.1 East Herts Council is committed to eliminating discrimination based on sex, marital status, sexual orientation, race, colour, nationality, gender reassignment, creed or religious belief, ethnic or national origins, age and disability. It is every staff member's right to work without fear of harassment or victimisation. October 2024's The Worker Protection Act (2024), an amendment to the existing Equality Act 2010 Section 40A, introduces a proactive provision against sexual harassment, and East Herts Council is committed to adding to and strengthening its existing prevention provision.

12.2 As a proactive measure, East Herts Council will commit to reviewing its provision annually to ensure that it is fit for purpose. The Council will actively work with feedback and suggestions from the Union and staff to improve the provision. Action plans and reporting figures will be included in Human Resources' annual report to the Human Resourcing Committee in the Annual Equalities Report. Due to the new duty, this will specifically highlight sexual harassment, but all types of harassment data is included in the report.

12.3 The council's provision to actively prevent sexual and other types of harassment, as per The Equality Act 2010, will include, but is not limited to:

- Mandatory staff training and mandatory manager training on the Annual Training calendar and eLearning system.
- Training for elected members.
- Ensuring appropriate reporting routes are maintained.
- Support via Employee Assistance is available.
- Conducting internal and external risk assessments for "Third-party."

3.2 Implementing additional operational action plans based on risk assessments for high-risk environments where staff have prolonged contact with the public and/or contractors.

3.3 The following actions have been identified and will be implemented in Q3-Q4-Q1.

3.3.1 Mandatory staff training and manager training on the Annual Training calendar and eLearning system. The training calendar is in development, and managers' training will be included in the HR sessions on ER issues. eLearning for staff has been secured on the current system, and HR recommends that this be mandatory and reported upon. HR will discuss with communications to ensure the anti-harassment stance is communicated to staff regularly, along with reporting lines for those with concerns.

3.3.2 Training for Elected Members. Democratic Services should provide training and information with support from HR. EELGA is currently developing an offer for Members.

3.3.3 Ensure appropriate reporting routes are maintained. We will review the current reporting routes and ensure fresh and on going communication is included in staff communications. Consider and develop confidential and independent reporting methods.

3.3.4 Conducting internal and external risk assessments for "Third-party." H&S Advisor will work with the head of

service and service managers to complete risk assessments.

3.3.5 Implementing additional operational action plans based on risk assessments for high-risk environments where staff have prolonged contact with the public and contractors. We have identified our customer service desks at Wallfields, outdoor lone working officers, BEAM and hostels as the highest risk. Those high-risk areas will agree on action plans and implement proactive measures.

3.3.6 Examples of measures are as follows:

- Ensuring adequate lighting
- Signage to communicate to the public and contractors that harassment isn't tolerated and placed at contact points and prominent areas of buildings.
- Information is included in external communications to communicate that harassment isn't tolerated and in email signatures when communicating with the public and external contractors.
- Continuously review lone working arrangements and listen to staff feedback and concerns to improve.
- Include questions about safety and harassment risks in staff voice/engagement surveys to look for trends.
- Include anti-harassment stance inside refreshed Culture and Values work within East Herts Together Group.
- Communications and managers should brief staff prior to staff activities such as Christmas events and staff drinks to remind them of their duty and expectations and reduce risk from other staff and third parties.

4.0 Options

4.1 N/A

5.0 Risks

5.1 This is a statutory update to employment law, and the employment tribunal has enhanced powers, and the EHRC will have powers to implement fines and sanctions.

5.2 Third-party duty is a “grey area” in law and is yet to be tested in court; legal advice is to be wide-reaching and cautious. Service managers must ensure they consider all aspects of their team’s work when completing risk assessments.

6.0 Implications/Consultations

6.1

Community Safety

Yes

Third-party accountability on the employer's part means that the community is a contributing factor. Ensuring safety at community contact points is important to show active provision.

Data Protection

Yes

Harassment reporting and claims for victim and accused are private and personal data and will be processed confidentially. Continuing to ensure that reporting to HRC must be sufficiently anonymised to avoid the potential of identification and confidentially, and trust in those in the reporting must have high integrity.

Equalities

Yes

This is an amendment to the Equality Act 2010 Section 40A. It is based on equitable behaviours. The new law specifically targets sexual

harassment due to recent cases in the media and the #Metoo movement. The council implements the duty with due regard to the new law but maintains that no harassment is tolerated, regardless of category.

Environmental Sustainability

No

No direct impact

Financial

Yes

There is moderate financial risk from fines and tribunal costs increasing. Some costs will occur to communicate and train staff on the duty and standards required.

Health and Safety

Yes

This Law supports the provision of a safe working environment for all staff.

Human Resources

Yes

As in the report above. Outlines service actions and support and monitoring are required from HR.

Human Rights

Yes

Ensures fundamental human rights are supported and that our staff feel safe and secure at work.

Legal

Yes

Update to The Equality Act 2010 Section 40A and will have statutory powers to fine and sanction. HR have attended an employment law update from an Employment Lawyer to gain advice and best practise.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 Bullying and Harassment Policy included amendments highlighted in yellow for consideration and comment.

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