

Freedom of Information – Response – 26848

- 1) *Does your council have a policy on sexual harassment in the workplace?*
- Yes - Please attach a copy of this policy or a copy of a document that includes a policy and procedures on this.*
 - No – Please explain why?*
- Yes. Policy attached May 2025

- 2) *If you answered yes to question 1, are local authority-maintained schools required to adhere to the same policy?*
- Yes*
 - No*

LA Maintained schools have access to the model harassment and bullying policy and a separate sexual harassment prevention guidance. These documents are accessible via Suffolk Learning website policy section to schools

- 3) *Does your council have training initiatives in place to address and prevent sexual harassment in the workplace?*
- Yes - Is the training provided:*
 - To all employees? Yes/No*
 - To managers on how to support staff who have reported workplace sexual harassment? Yes/No*
 - No – Please explain why.*
- Yes, statutory mandatory e-learning module for all staff. 1. Yes. 2. Yes.

- 4) *If you answered yes to question 2:*
- Is the training delivered:*
 - Online*
 - In person*
 - Hybrid*
 - Please provide details about who delivers the training on sexual harassment.*
- N/A

- 5) *For 2023, 2024 and 2025 calendar years, please provide the number of recorded formal and informal complaints made about sexual harassment allegedly perpetrated by council employees against other employees broken down by:*
- Gender of claimant and alleged perpetrator*
 - The nature of the allegations for example:*
 - Unwelcome verbal/banter of a sexual nature*
 - Unwelcome physical advances of a sexual nature.*
 - Sexual assault*
 - The number of formal and informal complaints that led to the perpetrator being:*
 - Given a warning.*
 - Suspended*
 - Dismissed*

4. Other – please state.

d. The number of formal and informal complaints that to your knowledge have been referred to:

1. The police for criminal investigation?

2. The appropriate professional registration body. e, g Social Work England?

All information released in response to a Freedom of Information Act 2000 (FOIA) request is deemed to be in the public domain. As such we must consider whether or not the requested information qualifies as personal information and should therefore not be released into the public domain.

The council has determined that this is personal information and is therefore exempt from disclosure under **section 40** of the FOIA.

The Council considered the following, including the possible consequences of disclosure for the data subjects concerned and their reasonable expectations as to the use of their data:

- expectations of the individuals concerned about personal information being put into the public domain;
- reasonable expectations - the data subjects concerned would have a legitimate expectation of privacy concerning their personal information and would not have anticipated this being put into the public domain;
- whether or not the requested information could be anonymised; and
- balancing the individual's rights and the legitimate interests - In past cases the Information Commissioner has weighed the individual's rights to privacy against the public interest in disclosure. There is no presumption in favour of releasing personal data.

This is an absolute exemption, which means that if the condition is satisfied there is no additional public interest test to consider.

In assessing fairness, the Council considered the likely consequences of disclosure of the requested information. Personal information should not be used in ways that have unjustified adverse effects on the individuals concerned. The council also considered whether such disclosure would be within the reasonable expectations of the individuals, given that any response to a request under the FOIA is deemed to be in the public domain. The council believes that in this instance it is not fair to disclose personal data and is therefore withholding the requested information under section 40 of the FOIA.

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Sexual Harassment Policy

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1 INTRODUCTION AND SCOPE

1.1 Introduction

We are committed to providing a working environment free from sexual harassment and ensuring all staff are treated, and treat others, with dignity and respect. We recognise that sexual harassment can occur both in and outside the workplace, such as working at customer's homes or out in the community, at work-related events or social functions, or on social media. Sexual harassment can take many forms and includes behaviour such as stalking.

Sexual harassment or victimisation of any member of staff, or anyone they come into contact with during the course of their work, is unlawful and will not be tolerated. SCC promotes a zero tolerance culture for any behaviour which constitutes sexual harassment. We will take active steps to help prevent the sexual harassment and victimisation of all staff. Anyone who is a victim of, or witness to, sexual harassment is encouraged to report it in accordance with this policy. This will enable us to take appropriate action and provide support. Sexual harassment and victimisation may result in disciplinary action up to and including dismissal and, when proven, are likely to be considered gross misconduct.

Sexual harassment is unlawful under the Equality Act 2010 but employers now have a statutory duty to take reasonable steps to prevent harassment under the new Worker Protection (Amendment of Equality Act 2010) Act 2023.

1.2 Scope

The policy applies to all SCC employees including those on Grey Book and staff on teaching terms and conditions and school-based support staff working within Education, Skills and Learning and Inclusion Services. However, this policy does not apply to teaching and support staff working for schools directly, or staff on different terms and conditions that separately cover sexual harassment.

This policy may be amended at any time, following consultation with the Council's recognised Trade Unions.

2 POLICY DETAIL

2.1 What is Sexual Harassment?

Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to sexual harassment. It also includes treating someone unfairly because they accepted or rejected sexual advances, or because of issues related to their gender or sex.

Sexual harassment may include, for example:

- unwanted physical conduct including touching, pinching, pushing and grabbing;
- continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;
- Unwanted conduct from any gender;
- Conduct which is unacceptable to an individual, which may be acceptable to others and which may have been welcome in the past;
- sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); or
- offensive emails, text messages or social media content.

This list is not exhaustive and encompasses interactions with colleagues both within and outside the workplace.

A person may be sexually harassed even if they are not the intended target. For example, a person may be sexually harassed if they witness a colleague making inappropriate comments and advances towards another colleague. This is because, although they are not the intended target, the colleague's inappropriate behaviour may cause distress and create an uncomfortable environment.

Victimisation includes subjecting a person to a detriment because they have done or are suspected of doing or intending to take legal action or provide evidence, done anything related to, or claimed a violation of the Equality Act 2010.

Victimisation may also include treating someone unfairly because they have made or are suspected of making complaints or supporting others in cases related to sexual harassment.

If any sexual harassment or victimisation of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. This may lead to disciplinary action against the perpetrator, up to and including dismissal.

Third-party harassment occurs where a person is harassed or sexually harassed by someone who does not work for, and who is not a representative of, the same employer, but with whom they have come into contact with during the course of their employment. Third-party harassment could include, for example, unwelcome sexual advances from a client, customer or supplier visiting the employer's premises, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment. Third-party sexual harassment will not be tolerated, and the law requires employers to take reasonable steps to prevent sexual harassment by third parties.

Suffolk County Council is committed to addressing and remedying complaints related to third party harassment to ensure such incidents do not recur. These may include warning the harasser about their behaviour, reporting criminal acts to the police and addressing harassment through the appropriate directorate policies and/or the County Councils Unreasonable Behaviour Guidance.

All employees are encouraged to report any third-party harassment they are a victim of, or witness in. More information can be found within Suffolk County Council's Third-Party Harassment and Abuse Guidance, and the Unreasonable Behaviour Guidance, which can both be found via MyHelp in Oracle.

False or vexatious complaints of sexual harassment, victimisation or third-party harassment, defined as allegations made with malicious intent or knowing them to be untrue, undermine the integrity of this policy and can cause significant harm to those wrongfully accused. The Council takes such matters seriously and will thoroughly investigate any suspicion that a complaint was made in bad faith. If, following a fair and impartial investigation, a complaint is determined to be deliberately false or malicious, the complainant may be subject to the disciplinary process. This is not intended to discourage legitimate complaints and will only be applied in cases where clear evidence exists of deliberate misrepresentation or malicious intent. Good faith complaints will never result in disciplinary action against the complainant, even if the allegation is not upheld.

2.2 Raising Concerns Informally

If you experience sexual harassment or victimisation, or you have concerns about someone's behaviour where this could be perceived as sexual harassment, consider whether you feel able to raise the problem informally with the person responsible. If this is an appropriate action to take, you should explain clearly to them that their

behaviour is not welcome or makes you uncomfortable. If this is too difficult, you should speak to your line manager. However, if you feel unable to speak to your line manager because the complaint concerns them, you should speak to your line manager's manager in the first instance or contact Human Resources who can provide confidential advice on resolving the issue formally or informally. If this does not resolve the issue, you should follow the formal procedure below.

Where an informal resolution is deemed appropriate, please refer to Appendix 1, which includes a flowchart outlining the informal resolution process that should be followed.

Mediation between employees may be considered as a resolution option, where appropriate, and when both parties voluntarily agree to participate. However, mediation is unlikely to be suitable for serious allegations of sexual harassment or victimisation, where there are power dynamics between the individuals involved, or where the person who experienced harassment does not feel that mediation would be a reasonable remedial option.

2.3 Raising a Formal Complaint

If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out in Suffolk County Council's Grievance Policy which can be found on My Help in Oracle.

Your written complaint should set out full details of the conduct in question, including the name of the harasser, the nature of the sexual harassment, the date(s) and time(s) at which it occurred, the names of any witnesses and, if relevant, any action that has been taken so far to attempt to stop it from occurring. Complaints will be investigated in line with ACAS guidance in a fair, timely, impartial and confidential manner, in line with the formal process within the Grievance Policy. Of course, sexual harassment complaints should be afforded a sense of urgency.

As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

HR should be informed in all cases of concern.

2.4 Witnessing Sexual Harassment

Staff who witness sexual harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

- addressing the situation informally first (where this would be appropriate);
- intervening where you feel able to do so;
- supporting the victim to report it or reporting it on their behalf;
- reporting the incident where you feel there may be a continuing risk if you do not report it; or
- co-operating in any investigation into the incident.

2.5 Protection and Support

Staff who make complaints, report that they have witnessed wrongdoing, or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Policy, which can be found on My Help in Oracle.

Although sexual harassment can occur to and from all genders, some groups are more vulnerable to experiencing sexual harassment than others, eg women, lesbian and trans individuals and all managers should be aware of this.

When retaliation is present or threatened where it is felt appropriate the SCC can offer or suggest temporary role reassignment, manager intervention or additional workplace security. SCC will always try to provide a safe and secure environment for investigations to be conducted.

If you believe you have suffered any such treatment you should inform your line manager. If the matter is not remedied, you should raise it formally using Suffolk County Council's Grievance Policy.

The Council will monitor the treatment and outcomes of any complaints of sexual harassment or victimisation we receive to ensure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, take measures to address repeat offenses by individuals and workforce training is targeted where needed.

Where sexual harassment or victimisation occurs, a report should be lodged with Health and Safety. More information can be found on the Health and [Safety Reporting](#) page via IRIS.

There is a list of support and resources available to you via My Help on Oracle including our Employee Assistance Programme and Mental Health First Aiders. Union representatives and colleagues can support throughout the investigatory process. Occupational Health can also be utilised through your line manager to obtain additional advice and guidance.

2.6 Further Information

Further advice and guidance can be obtained from My Help on Oracle or via Human Resources. Relevant statutory and mandatory e-learning for sexual harassment is available on Oracle, as are other relevant training courses including investigations training.

3 APPENDIX 1 – INFORMAL PROCESS FLOWCHART

The complainant experiences or witnesses sexual harassment or victimisation and decides whether it is appropriate to raise their concerns directly with the subject of the complaint



The complainant reports the details of the experienced or witnessed sexual harassment or victimisation to their line manager or other appropriate manager



The complainant's line manager makes a written record of the incident, including the date, location and details. This information is reported to the subject's line manager, or an alternative independent manager, in writing.



The subject's line manager discusses the incident with the subject of the complaint, ensuring clear expectations are set moving forward



The subject's line manager confirms their discussion with the subject of the complaint in writing. This should include:

- Date, location and details of the incident
- What was discussed and any resolution that was agreed e.g. mediation
- Expectations on the subject of the complaint
- Any actions for the subject of the complaint e.g. familiarising themselves with the contents of the Sexual Harassment Policy

4 DOCUMENT CHANGE CONTROL

Changes History

Issue No	Date	Amended By	Summary of Changes
1.0	1 st April 2025	Natasha Todd	New policy

Authorisation (Responsible Owner)

Role	Name	Approval Date
Assistant Director – HR & OD	Tim Jermyn	1 st April 2025

Approval (Accountable Owner)

Role	Name	Approval Date
Trade Unions	Unison	23 rd April 2025

Reviewers (Consulted)

Role & Review Responsibilities	Name	Approval Date
Staff Partnership Board	Suzanne Clements	23 rd April 2025
HR Lead Team	Suzanne Clements	

Distribution List - Once authorised (Informed)

Name	Organisation
To be published on 'MyHelp' via Oracle, and included in Inside SCC and on the manager's webinar	Suffolk County Council

Review Period

Date Policy to be Reviewed	By whom
April 2027	HR