

Report to	Cabinet
Date of meeting	25 March 2025
Lead Member / Officer	Cllr Julie Matthews
Head of Service	Catrin Roberts, Corporate Support Services: People
Report author	Louise Dougal, HR Services Manager
Title	HR Policies - New Sexual Harassment Policy and the updated Redeployment Policy

1. What is the report about?

- 1.1. Introduction of the new Sexual Harassment Policy which has been created in line with new Equality legislation under the Worker Protection Act (amendment of Equality Act 2010) which came into force on 26 October 2024. The report provides information on the new Sexual Harassment Policy which Cabinet is being asked to approve and adopt. The policy can be found in Appendix one of this report.
- 1.2. The redeployment policy has undertaken a full review and update. The report provides a summary to the amendments made and the policy can be found in Appendix two of this report.

2. What is the reason for making this report?

- 2.1. To gain Cabinet approval for the Sexual Harassment and the Redeployment policy amendments to be adopted by the council.

3. What are the Recommendations?

- 3.1. That Cabinet approve and adopt the Sexual Harassment Policy and the Redeployment Policy.
- 3.2. That the Committee confirms that it has read, understood and taken account of the Well-being Impact Assessments (Appendix 3 and 4) as part of its consideration.

4. Report details

Sexual Harassment Policy

- 4.1. The Worker Protection Act (amendment of Equality Act 2010) legislation places a new duty on employers to take 'reasonable' steps to prevent sexual harassment. The legislation will apply to employees, agency workers, volunteers, contractors and prospective job applicants.
- 4.2. Sexual harassment is defined by the Equality and Human Rights Commission (EHRC) as "unwanted conduct of a sexual nature" that has the purpose or effect of "violating a worker's dignity" or "creating an intimidating, hostile, degrading, humiliating or offensive environment for that worker".
- 4.3. ACAS states that in order for it to be sexual harassment the unwanted behaviour must have either violated someone's dignity, created an intimidating, hostile, degrading, humiliating or offensive environment for someone. It can be sexual harassment if the behaviour has one of these effects, even if this was not intended or intended to have one of these effects even if it did not have that effect.
- 4.4. The aim of the policy is to ensure that all parties understand what sexual harassment is, identifying the professional behaviour we expect to see within the council and outline our responsibilities, as a council to prevent sexual harassment. We want individuals to be supported, understand how to report any instances of sexual harassment and be aware of the support that is available if required.
- 4.5. The Sexual Harassment Policy will be supported by a Managers Prevention Toolkit, which will include training, in the form of a mandatory E-Learning

module, a presentation document for team meetings and toolbox talks, along with a risk assessment templates for services to complete and keep live.

5. Redeployment Policy

- 5.1. The Redeployment Policy was due for a full review in line with our policy review dates.
- 5.2. The policy focuses on the three types of redeployment scenarios; capability, redundancy and medical.
- 5.3. The policy has been amended to reduce any duplication and made clear for all parties, with responsibilities for managers, HR and employees.
- 5.4. The currently policy only allows employees who have more than 2 years' continuous service to be placed on the redeployment pool. The new version of the policy ensures that all employees are placed on the redeployment list regardless of their length of service (day one right) as the aim is to prevent redundancies and redeploy where possible.
- 5.5. The policy contains a number of useful frequently asked questions which have been updated to help with any additional queries or concerns.
- 5.6. Ensuring we have an up to date Redeployment Policy is essential, especially with decreasing budgets and restructures taking place for the foreseeable future.
- 5.7. Once approved this policy will be communicated out to managers and staff and can be accessed on the website.

6. How does the decision contribute to the Corporate Plan 2022 to 2027: The Denbighshire We Want?

- 6.1. This decision contributes to the following themes, a prosperous Denbighshire, a healthier happier caring Denbighshire and a Well-run high performing council.

7. What will it cost and how will it affect other services?

7.1 There are no costs associated with this report.

8. What are the main conclusions of the Well-being Impact Assessment?

8.1. Sexual Harassment Policy - Overall the wellbeing impact assessment concluded that the policy has a positive impact on the majority of wellbeing goals with a one neutral goal. Positive impacts include awareness of the subject matter of sexual harassment, mandatory training for employees, zero tolerance approach and preventative measures aided by risk assessments.

8.2. Redeployment Policy - Overall the wellbeing impact assessment concluded that the policy has a neutral impact on the majority of wellbeing goals. This is because we cannot guarantee redeployment for all staff and it depends what opportunities are available during the period of notice. Also being made redundant isn't a negative for some individuals, it can be an opportunity or a fresh start for some.

9. What consultations have been carried out with Scrutiny and others?

9.1. The adoption of a new Sexual Harassment Policy has been agreed by SLT, Equality Lead, the Trade Unions and the Health and Safety / Employee Relations Joint Consultative Committee.

9.2. The adoption of a revised Redeployment Policy has been agreed by SLT, Trade Unions and the Health and Safety / Employee Relations Joint Consultative Committee.

10. Chief Finance Officer Statement

10.1. Not applicable.

11. What risks are there and is there anything we can do to reduce them?

11.1. As an employer we must take 'reasonable steps' to eliminate all risks of sexual harassment of employees in the workplace. By not doing so could result in employees being placed at risk and failure to follow the new legislation could

result in the EHRC fining the council and higher tribunal costs. It could also result in reputational damage for the council. Having service risks assessments will help us take reasonable steps in preventing sexual harassment in the workplace.

11.2. With regards to the Redeployment Policy, we are offering all employees the right from day one to be placed on the redeployment list, removing the 2 years' continuous service criteria, so this opens it up for all staff, retaining talent in the council and giving employees new opportunities. ACAS also recommend that redeployment should be available to all staff. There is the risk of losing talent via the redeployment process when alternative employment cannot be found.

12. Power to make the decision

12.1. Not applicable.