



Prevention of Sexual Harassment

This policy applies to all Employees

January 2026

Appendix 1

This is an East Lothian Council Policy which has been subject to consultation with the Joint Trades Unions. Any review of amendment by the council will be following consultation with the Trades Unions.

Policy Title	Prevention of Sexual Harassment
Policy Section	HR Policies
Prepared By /Policy Author	Human Resources
Version Number	V 1.0
Integrated Impact Assessment	
Related Council Policies/Procedures	Domestic Abuse & Gender Based Violence Policy Prevention of Harassment at Work Policy
Approved By	
Date Approved	
Review Date	
Date of next Review	This policy will be reviewed as necessary, including but not limited to changes to legislation; agreement of new national terms and conditions of service or government policy, organisational change or changes agreed through trade union consultation.
Policy Lead	Team Manager, HR Operations

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1 Introduction

- 1.1 East Lothian Council takes a zero-tolerance stance regarding sexual harassment at work by colleagues or service users.
- 1.2 We are committed to preventing sexual harassment and supporting employees at work by creating and maintaining an environment where everyone feels safe. Employees should feel able to raise concerns with their manager, HR or TU representative and report incidents witnessed or experienced, knowing they will receive confidential support and advice.
- 1.3 It is the responsibility of every manager, employee, and worker to ensure that their behaviour at work aligns with the councils Code of Conduct, the East Lothian Way and that everyone that they encounter is treated with dignity and respect.
- 1.4 It is important to be aware that when actions are perceived to be sexual harassment, the intent or lack thereof from the perpetrator will not be accepted as a defence in cases dealt with under this policy.

2 Purpose

- 2.1 The purpose of this policy is to outline East Lothian Council's position on the prevention of sexual harassment and the processes to be followed and support available where issues arise.

3 Definitions

- 3.1 The Worker Protection Act 2023 (Amendment of Equality Act 2010) defines sexual harassment as:

Sexual harassment occurs when a person is subjected to unwanted conduct of a sexual nature that has the purpose or effect of either violating their dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.

It also happens if they are treated less favourably because they submitted to, or rejected, that unwanted conduct.

3.2 Types of sexual harassment

- 3.2.1 **Non-verbal;** Leering, sexually suggestive gestures, displaying pornographic or offensive posters sexually explicit images or materials in the workplace, sending sexually explicit emails or messages. Obscene, suggestive, or offensive communications, including electronic mail, handouts or screensavers or indecent exposure.

3.2.2 **Verbal**; Sexual comments or jokes; reference to their sexuality or physical appearance Spreading sexual rumours, making promises for sexual favours, intrusive questions about a person's private or sex life or discussing own sex life, unwanted sexual compliments, or excessive flirting.

3.2.3 **Physical**; Unwanted and inappropriate physical contact, standing too close, excessively lengthy physical contact, e.g., handshakes, unwanted brushing against another's body or advances; ranging from uninvited touching, hugging, or patting or sexual assault.

NOTE: Behaviour that is based on mutual attraction, friendship, and respect between consenting adults is not sexual harassment.

4. Commitments

- 4.1 East Lothian Council will not tolerate sexual harassment under any circumstances. Responsibility lies with every manager, and employees /workers to ensure that sexual harassment does not occur.
- 4.2 The principles set out in this policy are intended to apply to any work-related context including all workplaces, vehicles, external meetings or conferences, work functions and social events.
- 4.3 No employee or worker, at any level should subject any other colleague, service user or visitor to any form of sexual harassment.
- 4.4 A breach of this policy will be dealt with in line with our Disciplinary Procedures. Depending upon the severity of the case, consequences may include apology, counselling, transfer, demotion, dismissal, or other forms of disciplinary action deemed appropriate by management.
- 4.5 East Lothian Council strongly encourages any employee experiencing or witnessing sexual harassment to take immediate action, reporting this via a manager, HR or the council's Prevention of Sexual Harassment telephone helpline or e-mail address (see Appendix 1). We recognise that employees may be anxious about reporting incidents and are committed to providing support via management and HR.
- 4.6 Any reports of sexual harassment will be treated promptly i.e., at time of reporting, taken seriously and with sensitivity by the manager and HR. Such reports will be treated as confidential up to the point where a formal or informal complaint is lodged against a particular person, at which time the process and next steps regarding investigation and disciplinary processes to be followed will be explained.
- 4.7 The preference of the complainant will be taken into consideration in how a complaint will be dealt with. This may include input on whether the

complaint is dealt with formally or informally, receiving support or representation throughout the process, and, in some cases, the option to discontinue a complaint at any stage of the process. However, we have a duty of care to all employees and where serious incidents are reported a decision may be made by the appropriate manager and/or HR to continue to progress in line with council's Investigation and Disciplinary procedures.

- 4.8 The alleged harasser will also have the right to support and representation during any investigation and/or disciplinary process, as well as the right to respond fully to any formal allegations made. There will be no assumptions or decisions made until a full investigation has been completed. However, measures may be put in place by management to ensure limited contact at work between the alleged harasser and employee reporting the incident.
- 4.9 No employee will be treated unfairly due to rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment, or against any employee who has been alleged to be a harasser.
- 4.10 Managers who fail to take timely, appropriate corrective action when aware of harassment of a person will be subject to disciplinary action. Failure to act could also result in East Lothian Council facing reputational damage and financial costs should cases go to Employment Tribunal.

5 Responsibilities

- 5.1 It is the responsibility of all **Managers** to ensure that:
 - They proactively undertake full prevention of sexual harassment risk assessments for their departments, ensuring measures are put in place to mitigate identified risks. This should be completed and on ELCs Sphera system and reviewed regularly.
 - They treat all complaints quickly, seriously, confidentially, and non-judgementally.
 - They liaise with their HR Adviser to take immediate and appropriate corrective action if they become aware of any offensive action.
 - All employees undertake all mandatory training and regularly keep up to date with additional training and comms.
- 5.2 It is the responsibility of the **Human Resources Department** to ensure that:
 - Management Guidance is available and regular communications to managers and employees regarding the prevention of sexual harassment at work and reporting procedures.
 - Ongoing support and guidance are provided to all employees in relation to the prevention of sexual harassment e.g., reporting mechanisms, signposting to employee support etc.

5.3 It is the responsibility of **Employees** to ensure that:

- They do not act in any way that could be construed as sexually harassing towards colleagues, service users, members of the public or those they encounter while at work.
- They report an experienced or witnessed sexual harassment whether by a colleague or third party to their manager, HR or Trade Union Representative, or report this via the employee helplines (see Appendix 1)
- They behave professionally, respectfully, and inclusively at work in line with the council's Code of Conduct, Prevention of Harassment policies and the East Lothian Way.
- To complete regular, mandatory prevention of sexual harassment training annually and any supplementary training made available.

6. Procedures

6.1 Complaint Process

6.1.1 Sexual harassment can occur at any level of the organisation, can be experienced by employees of any gender and may involve a colleague, manager, contractor, service provider, client, or customer. Intent of sexually harassing behaviours is no defence in sexual harassment cases.

6.1.2 Employees or workers who believe they are the subject of sexual harassment should seek support immediately from their line manager, HR Adviser or contact the employee support helpline (see Appendix 1).

6.1.3 Employees experiencing sexual harassment are advised to record details of any incidents, such as date, location and behaviour which will assist in progressing complaints made.

6.1.4 Where employees or workers feel confident to do so, they should make the perceived harasser(s) aware that they find their behaviour offensive, unwelcome, unacceptable, and that it needs to stop immediately.

6.1.5 However, if the employee or worker feels unable to speak to the person(s) directly or if the behaviour continues, they should raise this with their own or another Manager. Alternatively, an employee or workers may contact the Human Resources Department or another Manager they feel comfortable with.

6.1.6 The Manager will provide support, liaising with their HR Adviser, to discuss the next steps to be taken and the wishes of the complainant and signpost the employee to appropriate support services including Employee Assistance Programme and other external support services as appropriate (see Appendix 1).

6.1.7 The complainant does not have to request a full formal investigation if they will be satisfied by less formal treatment of the issue. As we have a duty of care to our employees, and subject to the seriousness and nature of the complaint raised, the manager and HR may be required to take formal action in line with the council's disciplinary procedures.

6.2 Informal Approach

6.2.1 The Manager will explain the council's policy and zero tolerance approach to sexual harassment. They will also outline the employee/worker's rights and responsibilities under this policy, as well as the Council's obligations in line with the Equal Employment Opportunity Policy and the Equality Act 2010.

6.2.2 The complainant will have input toward the determined course of action, initially identified by the Line Manager(s) and HR at informal intervention stage. During informal intervention, the alleged harasser will be made aware of the allegations being made against them and given the right to respond.

6.2.3 This procedure will be complete when the complainant and the respondent come to an agreement on the procedure to be followed. If this occurs, no record will be made of the proceedings, and any subsequent proceedings will begin afresh. If this does not occur, the formal procedure should be followed.

6.3 Formal Complaints Procedure

6.3.1 When proceeding with a formal complaint, it is the manager's responsibility to take the appropriate action, particularly where serious incidents have been reported, though witnesses or senior management may be contacted for additional support.

6.3.2 The formal procedure will be co-ordinated by the appropriate Manager, who will be supported by their Human Resources Adviser.

6.3.3 The Manager should appoint an investigating officer to undertake a formal investigation in line with the council's disciplinary procedures, to clarify the complaint and obtain a step-by-step account of the incident. More than one interview may be necessary.

6.3.4 The Investigating officer will follow the council's disciplinary procedures in relation to the investigation process.

6.3.5 Records are to be kept and filed in a confidential and secure place. If no confidential area is available, these notes may be sealed and forwarded to the Human Resources Department, where they will be maintained,

unopened, in a confidential filing system. These records should be kept for a period of seven years. Under no circumstances will records be placed on the complainant's personnel file.

- 6.3.6 If the investigation determines that sexual harassment has occurred, the Manager must forward a summary of the complaint and the action taken to the Human Resources Department. A copy may be placed in the respondent's personnel file by the Human Resources Department, in accordance with Performance Counselling procedures.
- 6.3.7 If the investigation does not determine that harassment has occurred, the Manager will:
 - Follow up and monitor the situation carefully to ensure the safety and wellbeing of all employees
 - Ensure the employee who raised the concern continues to be fully supported.
 - Remind those involved of expected standards of conduct.
 - Conduct further training and awareness raising sessions for employees and workers
- 6.3.8 The Manager will continue to ensure that the offensive behaviour has ceased, and that neither party nor witnesses have been victimised. This may involve follow-up discussions. If there has been any substantiated victimisation, disciplinary procedures will be followed.

7. Procedures for Dealing with Criminal Conduct

- 7.1 Some forms of severe sexual harassment (e.g. sexual assault, stalking, indecent exposure, physical molestation, obscene phone calls) may constitute criminal conduct.
- 7.2 While the council is committed to deal with any sexual harassment complaints internally, claims of serious sexual harassment will need to be dealt with under the criminal justice system.
- 7.3 In relation to alleged criminal offences such as rape or sexual assault, the matter must be immediately referred to the Human Resources Department. Employees/workers should be advised of the option of reporting the incident and seeking police support or intervention. Whilst the council is not responsible for reporting these matters to the police, our duty of care as an employer means we may need to seek advice from police and/or social services.

8. Review of Policy

- 8.1 This is a Council Policy which is subject to review and amendment by the Council following consultation with the recognised Trade Unions.

Head of Corporate Support, January 2026

Support and Information for Employees

East Lothian Council Support

Prevention of Sexual Harassment Telephone Helpline 01620 827200

Prevention of Sexual Harassment e-mail shrs@eastlothian.gov.uk

Listening Ears

https://intranet.eastlothian.gov.uk/info/20710/well_at_work/467/listening_ear

Employee Assistance Programme - Available 24/7, 365 days a year. Call 03303 800658

External Support Services

Scottish Women's Rights Centre - Sexual harassment legal service for legal information and support.

www.scottishwomensrightscentre.org.uk/sexual-harassment

Rape Crisis Scotland

Freephone helpline 08088 01 03 02, 5pm to midnight

www.rapecrisisscotland.org.uk

Victim Support Scotland

Helpline 0800 160 1985, Monday to Friday 8am to 8pm, Saturday & Sunday 10am to 4pm

<https://victimsupport.scot>

Samaritans

24-hour helpline 116 123

Email jo@samaritans.org

www.samaritans.org

Respect: Men's Advice Line

For men experiencing domestic abuse

Freephone helpline 0808 801 0327, Monday to Friday 10am-5pm

www.mensadviseline.org.uk

National Stalking Helpline

This helpline run by the Suzy Lamplugh Trust, gives practical information, support, and advice on risk, safety planning and legislation to victims of stalking, their friends, family, and professionals working with victims.

Freephone helpline: 0808 802 0300.

www.stalkinghelpline.org

Appendix 2

