

AGE UK EXETER

Controlled Document

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Owner (Responsibility) CEO

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Document location: www.ageuk.org.uk/exeter/about-us/policiesandguidelines

Document Description

The purpose of this policy is to set out a framework for line managers to deal with any sexual harassment that occurs by staff (which may include consultants, contractors and agency workers) and also by third parties such as clients, suppliers or visitors to our premises.

Implementation and Quality Assurance

Implementation is immediate and this policy shall stay in force until any alterations are formally agreed.

The policy will be reviewed every three years by the Board of Trustees, sooner if legislation, best practice, or other circumstances indicate this is necessary.

All aspects of this policy shall be open to review at any time. If you have any comments or suggestions on the content of this policy, please contact the CEO on info@ageukexeter.org.uk or at Age UK Exeter, The Sycamores, Mount Pleasant Road, Exeter, EX4 7AE, 01392 202092.

Sexual Harassment Policy

1. Policy Statement

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.

Sexual harassment or the 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.

We recognise that sexual harassment can occur both in and outside the workplace, such as on business trips, or at work-related events or social functions, or on social media.

The law requires employers to take reasonable steps to prevent sexual harassment of their staff during the course of their employment. 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 can result in legal liability for both the business and the perpetrator, whether they work for us or are a third party outside of our control.

Sexual harassment and victimisation may result in disciplinary action up to and including dismissal.

This policy does not form part of any contract of employment or contract to provide services, and we may amend it at any time.

2. Who does this policy apply to?

This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, apprentices, volunteers and interns.

It also applies in instances where the harassment is undertaken by third parties such as clients, suppliers or visitors.

Our obligations and your duties under this policy also extend to job applicants and former employees.

3. 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.

Even if such behaviour is not intended to cause offence or distress, if that is the effect of the conduct, then it could be considered as sexual harassment.

Someone may be sexually harassed even if the conduct was not directed at them because of the environment it creates for them.

It also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past.

Sexual harassment may include, for example:

- unwanted physical conduct, including touching, hugging, patting, stroking, pinching, pushing and grabbing;
- sexual comments, insults, stories, banter or 'jokes';
- intrusive questions about a person's private or sex life or a person discussing their own sex life;
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- continued suggestions for social or sexual activity after it has been made clear that such suggestions are unwelcome;
- offensive emails, text messages or social media content;
- sexually suggestive gestures;
- suggestive looks, leering and staring;
- 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).

Sexual harassment can also occur at home whilst remote working. For example, through virtual meetings, social media and online chats.

Anyone can experience sexual harassment, regardless of their sex and of the sex of the harasser. Sexual harassment can happen to and be carried out by men, women and people of any gender identity or sexual orientation.

Intersecting forms of sexual harassment can also occur, such as racialised sexual harassment and sexual harassment targeted at LGBTQIA+ people.

Sexual harassment often takes place where there is a power imbalance in the workplace, for example between manager or supervisor and employee.

Sexual harassment can take place at our premises, at home whilst working remotely and out of the workplace, such as work-related events, trips or social functions. Sexual harassment will not be tolerated by staff (which may include consultants, contractors, interns, freelancers and agency workers) and third parties such as clients, suppliers and visitors.

Sexual conduct that is invited, mutual or consensual is not sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted and therefore become sexual harassment.

If you do not know whether conduct constitutes sexual harassment or would like confidential advice and support, please contact your line manager or a member of the Senior Management Team (SMT) if more appropriate.

For other forms of harassment related to a relevant protected characteristic (such as age, disability, gender reassignment, race, religion or belief, sex or sexual orientation), please see our Anti-Harassment and Bullying policy.

What is victimisation?

Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:

- bringing proceedings under the Equality Act 2010;
- giving evidence or information in connection with proceedings under the Equality Act 2010;
- doing any other thing for the purposes of or in connection with the Equality Act 2010;
- alleging that a person has contravened the Equality Act 2010.

Victimisation may include, for example:

- denying someone an opportunity because it is suspected that they intend to make a complaint about sexual harassment.
- excluding someone because they have raised a grievance about sexual harassment.
- failing to promote someone because they accompanied another staff member to a grievance meeting.
- dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.

We will not tolerate sexual harassment or victimisation

Sexual harassment and victimisation are unlawful and will not be tolerated. They may lead to disciplinary action up to and including dismissal if they are committed:

- in a work situation;
- during any situation related to work, such as at a social event with colleagues;
- against a colleague or other person connected to us outside of a work situation, including on social media;
- against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.

We will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.

If any sexual harassment or victimisation of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include updating relevant policies, providing further staff training and taking disciplinary action against the perpetrator.

Third parties

Third-party harassment occurs where a person is harassed or sexually harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact 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 can result in legal liability and will not be tolerated. The law requires employers to take reasonable steps to prevent sexual harassment by third parties. Although a member of staff cannot bring a claim for third-party harassment alone, it can still result in legal liability for an employer when raised in other types of claims. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.

Any sexual harassment by a member of staff against a third party may lead to disciplinary action up to and including dismissal.

We will take active steps to try to prevent third-party sexual harassment of staff. These may include warning notices to clients and/or suppliers or recorded messages at the beginning of telephone calls.

If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include warning the harasser about their behaviour, banning them from our premises, reporting any criminal acts to the police, and sharing information with other branches of the business.

4. If you are being sexually harassed: informal steps

If you are being sexually harassed, and you feel comfortable raising the issue informally with the person responsible, consider addressing the problem informally directly with them. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable.

You should make a note of the time and place of the meeting and who was present just in case there are further incidents. If there are further incidents, you should also keep a record of these should you wish to make a formal complaint under the procedure below.

If this is too difficult, you should speak to your line manager, or the HR Manager who can provide confidential advice and assistance in resolving the issue formally or informally. If you feel unable to speak to your line manager because the complaint concerns them, you should speak informally to the HR Manager.

Your line manager or the HR Manager will:

- keep a confidential record of the discussions;
- provide information about our relevant policies and procedures and the support available;
- determine your views on what outcome you would want to achieve;
- provide support and guidance on how to address the issue informally (which may include facilitating discussion between both parties to achieve an informal resolution);
- discuss and agree next steps;
- keep the matter under review and if the situation has not improved or is sufficiently serious, explain the options available to you

In general, the decision about how you want to progress the matter is up to you. However, in certain circumstances, it may be appropriate for us to take further action, for example where the harassment is so serious that there is a risk to your safety or anyone else's safety. 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. If we do decide that we must take further action despite your wishes, we will explain our decision and ensure that we have put in place appropriate safeguards to prevent you from being further harassed or victimised and arrange support (and counselling) to deal with any impact the decision may have on you.

If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out below. You can make the matter formal at any stage.

5. Raising a formal complaint

If you wish to make a formal complaint about sexual harassment, you should submit it in writing to your line manager or the HR Manager. If the matter concerns your line manager, you should submit it to the HR Manager.

Your complaint will be dealt with seriously, sensitively, confidentially and promptly. You may prefer to report your complaint verbally to us. In the event that you do we will make a detailed record of the complaint(s) and ask you to sign a statement to confirm the contents.

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 any action that has been taken so far to attempt to stop it from occurring.

If you wish to make a formal complaint about victimisation, you should submit it in writing to your line manager or the HR Manager. If the matter concerns your line manager, you should submit it to the HR Manager.

Your written complaint should set out full details of the conduct in question, including the name of the person or persons you believe have victimised you, the reason you believe you have been victimised, the nature of the victimisation, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

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.

6. If you witness sexual harassment or victimisation

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

- 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.
- co-operating in any investigation into the incident.

All witnesses will be provided with appropriate support and will be protected from victimisation.

7. Formal investigations

We will investigate complaints in a timely, respectful and confidential manner. Individuals not involved in the complaint, or the investigation should not be told about it.

We will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. We will grant you the opportunity to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation.

We recognise that there may be circumstances where an individual may feel more comfortable discussing their complaint with an investigator of a particular sex due to the sensitivities of the case. We will try to accommodate this where possible. (An external investigator may be appointed if there are no suitable internal investigators.)

Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. We will also consider what additional action may be appropriate to protect you and other staff pending the outcome of the investigation. The investigator will also meet with the alleged harasser to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

Where your complaint is about someone other than an employee, such as a client, supplier or visitor, we will consider what action may be appropriate to protect you and other staff pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

We will also consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours to avoid or minimise contact with the alleged harasser.

It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.

At the end of the investigation, the investigator will submit the evidence to a senior manager. The senior manager will arrange a meeting with you, usually within a week of receiving the evidence, in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. A copy of the information and the senior manager's findings will be given to you and to the alleged harasser.

8. Action following the investigation

If the senior manager considers that there is a case to answer and the harasser is an employee, the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure.

Our investigations process may be put on hold pending the outcome of the Disciplinary Procedure.

Where the disciplinary outcome is that sexual harassment occurred, prompt action will be taken to address it. We will also consider what additional measures need to be taken to prevent future sexual harassment of staff. If the harasser is a third party, such as a client or other visitor, we will consider what action would be appropriate to deal with the problem and prevent a reoccurrence.

Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation or counselling, or to change the duties, working location or reporting lines of one or both parties.

Any staff member who deliberately provides false information in bad faith, or who otherwise acts in bad faith as part of an investigation, may be subject to action under our Disciplinary Procedure. However, you will not be disciplined or treated detrimentally because your complaint has not been upheld.

9. Appeals

If you are not satisfied with the outcome you may appeal in writing to your line manager or the HR Manager, stating your full grounds of appeal, within one week (or the timescale set out in the letter of outcome sent to you) of the date on which the decision was sent or given to you.

We will hold an appeal meeting, normally within one week of receiving your written appeal. Where practicable, the appeal hearing will be conducted by a senior manager who has not been previously involved in the case and is senior to the individual who conducted the previous meeting. They may ask anyone previously involved to be present. You have the right to bring a colleague or trade union representative to the meeting.

We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

10. Protection and support for those involved

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 Procedure.

If you believe you have suffered any such treatment you should inform your line manager or the HR Manager. If the matter is not remedied, you should raise it formally using our Grievance Procedure or this procedure if appropriate.

We 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, repeat offenders are dealt with appropriately, cultural clashes are identified and resolved, and workforce training is targeted where needed.

We have access to the Employee Assistance Programme (EAP) through Age UK national and they can offer confidential counselling on request. Details can be obtained from your line manager.

Support and guidance can also be obtained from the following external services:

The Equality Advisory and Support Service (www.equalityadvisoryservice.com).

Protect (www.protect-advice.org.uk).

Victim support (www.victimsupport.org.uk).

Rape crisis (www.rapecrisis.org.uk).

Rights of women (England and Wales) (www.rightsofwomen.org.uk).

Scottish Women's Rights Centre (Scotland)
(www.scottishwomensrightscentre.org.uk).

11. Reporting outcomes, confidentiality and record keeping

Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint, and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

When appropriate and possible, where a complaint is upheld, we will advise the complainant of the action that has been taken to address their specific complaint and any measures put in place to prevent a similar event happening again.

Information about a complaint by or about a staff member may be placed on their personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

Revision History

Revision date	Summary of Changes	Other Comments
May 2025	New policy based on HR Express template	Approved 24.06.25