

# **Sexual Harassment Prevention and Action**

## **Policy and Procedure**

January 2025

# 1. Policy Statement

Age UK Surrey is committed to providing an inclusive, supportive and safe environment for everyone who works here. This policy applies to all employees, volunteers and interns.

The aim of the Policy is to prevent, respond to incidents that arise, and take action to effect long-term change by:

- educating colleagues about sexual harassment and their role in developing a culture free from harassment;
- fostering a working environment that supports the dignity and respect of all and is free from any form of discrimination, bullying, harassment, and violence;
- where harassment does occur, providing a process and procedure for dealing with it to ensure it is properly managed;
- capturing learning from what happened to help create an environment free from harassment;
- monitoring our progress in achieving a workplace free from harassment; and
- building continuous improvement into our culture.

Everyone has a part to play in being aware of, preventing and dealing with sexual harassment. The Policy sets out the expectations for the behaviour of our staff and volunteers as well as what we can do to protect them from sexual harassment.

Age UK Surrey will not tolerate any form of sexual harassment in the workplace, we will treat all incidents seriously and promptly investigate all allegations of sexual harassment. There is no time constraint around reporting an incident of sexual harassment under this Policy; however, we want colleagues to feel comfortable and able to raise matters as early as possible to allow action to be taken to keep them safe.

Sexual harassment will be treated as a disciplinary offence. Appropriate disciplinary action may be taken against any person who violates this Policy, which may include termination of employment. Sexual harassment may be treated as a criminal offence in a safeguarding context and require intervention on this basis.

No one will be victimised for making a complaint of sexual harassment or for helping another person to make such a complaint. No one will be subject to disciplinary action or to any other detriment simply because their complaint is not upheld.

The Board of Trustees has overall responsibility for this policy.

While this Policy does not form part of any contract of employment and may be amended at any time as set out above, all staff and volunteers will be made aware of this Policy and will be expected to comply with it. This Policy will be communicated to all staff on a regular basis using a variety of methods including induction, training, team briefings, and departmental meetings.

The following policies should be read in conjunction with this policy:

- Bullying and Harassment Policy
- Disciplinary Policy
- Equality, Diversity and Inclusion Policy
- Grievance Policy
- Health and Safety Policy
- Safeguarding Policy
- Stress Policy
- Whistleblowing Policy

## 2. What is Sexual Harassment?

Sexual harassment is prohibited under the Equality Act 2010. It occurs when a person is subjected to **unwanted conduct** of a **sexual nature** which has the purpose or the effect of either:

- violating the person's dignity (whether it was intended or not), or
- creating an intimidating, hostile, degrading, humiliating or offensive environment.

Unwanted conduct that has one of these effects can be harassment even if the effect was not intended. A single one-off event or a series of incidents can amount to sexual harassment. A person can be affected by sexual harassment even if the conduct is not targeted at them.

It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour.

Anyone can be a victim of sexual harassment, regardless of their position in the organisation, sex, sexual orientation or gender identity or that of the harasser. Sexual harassment may also occur between people of the same sex. We recognise that sexual harassment often arises as a form of violence against women. Sexual harassment can also be a form of violence targeted at men and those with non-binary gender identities.

Under international law, sexual harassment constitutes a breach of a person's human rights.

Sexual harassment is often a manifestation of power relationships and frequently occurs within unequal relationships in the workplace, for example between manager and a more junior colleague, or a longstanding employee and a new joiner. It frequently arises as the result of sexism and power inequalities between women and men. In cases where sexual harassment is found to have occurred, such abuses of power will be considered in deciding what disciplinary action to take.

We also recognise that certain vulnerable or minoritised groups may be more at risk from sexual harassment. Where a person has more than one protected characteristic, this may increase the risk of them experiencing sexual harassment. This is because multiple categories of identity such as age, sex, race, sexuality, trans status, religion and disability can interact in ways that create complex systems of oppression and power which can result in harassment based on a combination of different aspects of a person's identity. We refer to this as intersectional harassment.

## 2.1 What is 'unwanted conduct'?

Sexual harassment occurs where there is **unwanted conduct** of a **sexual nature**.

Unwanted conduct covers a wide range of behaviour which is unwanted or unwelcome. It is not necessary for the employee to say that they object to the conduct for it to be unwanted. Types of behaviours which may constitute **unwanted conduct** include, but are not limited to:

### Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging.
- Fondling, or inappropriate touching.
- Physical violence, including sexual assault and rape.
- The use of job-related threats or rewards to solicit sexual favours.

### Verbal conduct

- Banter
- Mimicry
- Comments on a worker's appearance, clothing, age, private life, etc.
- Sexual comments, stories, jokes or pranks
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending/sharing sexually explicit messages/images (by any medium)
- Coercion
- Gaslighting - Gaslighting is a form of psychological abuse that makes a person doubt their own reality and sanity. Gaslighting happens when someone manipulates another person into thinking that their version of events didn't happen the way they said it happened. This includes questioning the person's authority, denying the evidence the person has or doing everything they can to make them feel that they are wrong or in the wrong.

### Non-verbal conduct

- Display of imagery, pictures, posters or photos
- Graffiti
- Acts affecting a person's surroundings
- Sexually suggestive gestures
- Facial expressions

- Whistling
- Leering
- Predatory behaviour

### Visual conduct

- Posts or contact on social media
- Written material that is sexually explicit such as notes, text messages or emails

Conduct that is of a '**sexual nature**' includes a wide range of behaviour such as:

- Sexual gestures, remarks, comments or jokes
- Commenting on a person's clothing, body or appearance
- Displaying or sharing pornographic or sexual contents
- Suggestive looks, staring or leering
- Propositions and sexual advances
- Making promises in return for sexual favours
- Intrusive questions about a person's sex life or a person discussing their own sex life
- Spreading sexual rumours about a person
- Sending unwarranted requests for video calls at odd hours
- Inappropriate messaging and communications on Age UK Surrey's messaging platforms
- Sending sexually explicit emails, social media messages or text messages
- Sexual assault (e.g. unwanted touching, groping, kissing) or rape.

In any workplace there will be a range of attitudes about what conduct is considered to be offensive, humiliating, intimidating or hostile. What one colleague, or even a majority of colleagues might see as harmless fun or 'banter' another might find unacceptable. A colleague complaining about conduct might be considered by others to be overly sensitive or prudish. However, it is important to understand that conduct **can amount to sexual harassment even if the conduct was not intended** to have the effect of violating the colleague's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It is important to note that you can be sexually harassed by someone you have previously had a relationship with or have been sexually intimate with.

The effect of such behaviour and whether it is unwanted is considered from the point of view of the person who feels harassed (the "recipient").

With the increase in remote and hybrid working, there is an increase in sexual harassment that is occurring remotely e.g. over MS Teams or via social media messaging. Even if carried out remotely, unwanted conduct of a sexual nature can amount to sexual harassment,

## 2.2 Examples of sexual harassment

The following examples are intended to provide illustrations of the types of behaviours that will constitute sexual harassment. They are not exhaustive – there are many more examples of such behaviour. Importantly, sexual harassment can arise in various forms and to different degrees. As part of the review process for this policy, we will ensure that the specific examples given in this policy are updated so as to reflect the specific work environment in which our staff operate, taking account of the composition of our workforce and the types of work undertaken.

Certain types of sexual harassment may be linked to more than one aspect of the recipient's identity. This is intersectional harassment. Examples that illustrate this are included here, but this Policy is not fully intersectional and must be read with the **Bullying and Harassment Policy** for further guidance on other forms of discrimination.

### Example 1:

An employee has informed their line manager that they are uncomfortable with them putting their arm around their shoulders and leaning over them when reviewing work on their computer. The line manager laughs and confirms that it doesn't mean anything, and they are like this with everyone. As such, this behaviour continues. The employee feels so uncomfortable but is worried about reporting it further in fear of them being referred to as prudish and in light of only being in their probationary period.

**Some forms of sexual harassment are clear violations of a person's dignity.**

### Example 2:

An employee believes that her male colleague uses the fact she is in a wheelchair as an excuse to make physical contact with her. She feels the situation is complicated by the practicalities and power dynamics of needing support from others with certain tasks. She wants to report the issue but thinks he may not realise he has been doing this.

**Sexual harassment does not have to be intentional, and it needs to be considered from the point of view or experience of the recipient.**

### Example 3:

A young female employee is repeatedly referred to as 'the blonde bimbo' or 'young bombshell' by two of her male colleagues. These comments are made in front of her over several months. She does not voice any objection to the comments, sometimes laughing at them and, on one occasion, she responds by making equally offensive comments about one of her colleagues.

**It is not necessary for the recipient to say that they object to the behaviour for it to be unwanted.**

### Example 4:

Two work colleagues become friendly, often having lunch together and occasionally meeting up outside of work. One Friday night, after a few drinks at the pub, they kiss and agree to meet again the following weekend. On the Monday morning, one takes the other to one side and explains that they regret what happened and would like to keep their relationship professional. The employee who wishes to keep the relationship going texts and emails the other employee several times a day over the next week, expressing their affection and upset at the 'change of heart' and repeatedly asking to meet up outside of work despite this request being repeatedly refused.

**There may be circumstances in which a course of conduct is not unwanted in the earlier stage, but at some point, the conduct ‘oversteps the mark’ and becomes unwanted. This is likely to have occurred at the point when the colleague states that they would like to keep the relationship professional only. Consent for sexual conduct in the past does not automatically apply to future conduct.**

### **2.3 When does this policy apply?**

This policy will apply to any unwanted conduct that occurs in the course of a person’s work and which takes place at their place of work, including in their home while working from home, on their commute, or at/while travelling to a place which is not their place of work if they are there for any reason related to their work, including for a work related social event, business trip, training session or conference.

### **2.4 What if the alleged perpetrator is not a member of staff?**

The sexual harassment of staff will not be tolerated, whether caused by those that work here or third parties including customers, service users, suppliers, clients or visitors to our premises. Any instance of work-related sexual harassment should be reported in line with this policy, regardless of who the alleged perpetrator is.

Sexual harassment from a third party will be treated just as seriously as that by a colleague. We will take steps to prevent this type of harassment including assessing high risk work activities (like lone working with service users/customers/suppliers etc) and taking actions to minimise situations where harassment could occur.

### **2.5 What if the alleged perpetrator is a member of staff but the recipient is not?**

Where Age UK Surrey is informed about any alleged behaviour by a member of staff regarding sexual harassment of the general public, this will be investigated under the complaints procedure and dealt with as a serious incident. An investigation will be undertaken and the complainant spoken to directly about the situation and provided feedback on the actions taken (whilst adhering to GDPR regulations). Where the member of staff is found to have sexually harassed a member of the public, Age UK Surrey’s disciplinary policy will be actioned and a sanction issued that may include up to dismissal (without notice).

## **3. Procedure**

### **3.1 Preventing Sexual Harassment**

This section should be read in conjunction with the policies listed above. The Health and Safety policy is particularly relevant, and other policies will provide context specific guidance.

### **3.2 The Employers’ Duty of Care**

The law imposes a duty of care on employers to provide a safe system of work for all staff. This includes a specific obligation to protect the health, safety and welfare of employees and others who might be affected. In discharging this legal duty, we recognise that there are certain measures that



can help to prevent sexual harassment in the workplace including ensuring that adequate measures are in place to tackle sexism and address inequality between women and men and people with trans and non-binary identities, as well as other forms of discrimination including racism, ableism, homophobia and ageism, and to prevent the conditions which cause and exacerbate high levels of stress. We are committed to the adoption and operation of such measures, including:

- **Improving the sex balance at all levels of the organisation:** refer to the gender pay gap
- **Improving diversity and inclusion at all levels of the organisation:** DEI action plan
- **Staff survey:** Ascertaining how working conditions impact on all staff and identifying any areas of concern. The annual staff survey results will be shared and action plan identified.
- **Data monitoring:** Staff data related to sickness absence rates and turnover will be carefully monitored in accordance to identify patterns of behaviour as it is recognised that they can be linked to high stress levels and associated behaviours which may be indicative of sexual harassment.
- **Good management practices:** including anti-discrimination management practices, competent and respectful people management, standards of conduct training, awareness of the conditions that can allow sexual harassment to become prevalent and consistency in taking appropriate preventions and interventions.
- **Safe culture:** clear messaging that sexual harassment will not be tolerated and will be appropriately investigated in line with safeguarding practices.
- **Risk assessments:** that include consideration of factors that can increase the risk of sexual harassment including work-place stress, power imbalances, job insecurity, lone working, customer-facing duties, and lack of diversity and inclusion in the workforce.
- **Equality impact assessments:** that take account of the differential effects of organisational policies, procedures and practices on certain groups or individuals depending on sex, sexual orientation, and gender identity, race, age, disability, religion or belief and pregnancy and maternity and follow-up actions to address these effects and to increase diversity and inclusion within the workforce. This will include recognition of intersectionality.
- **Continuous awareness-raising:** about the nature and impacts of sexual harassment, common reactions to sexual harassment and the requirement of respectful behaviour for all staff to create a culture free from harassment and identify and address incidents when they occur.
- **Senior leadership champions:** This Policy is supported and championed by the senior leadership team. They will be actively involved in promoting it, attending staff training and being vocal champions of the policy.
- **Appropriate and targeted training:** The training will be mandatory for all staff and will form part of the induction for new staff. Training will include:
  - information on what constitutes sexual harassment.
  - how sexual harassment can impact on individuals and the organisation.



- how to report sexual harassment.
  - Employees' roles in reporting and prevention, and the related responsibilities of all staff.
  - Ongoing discussions at divisional level to embed learning
  - This will also include targeted training for people managers who are potentially responsible for investigating and making decisions in relation to complaints and disciplinary processes.
- **Trained Single Point of Contacts (SPOC)s and confidential reporting options:** We will provide contact points where staff can raise concerns in a confidential discussion of their situation and be provided with information regarding how to take further action and what support is available
  - **Safeguarding oversight:** to ensure that cases are managed in line with safeguarding procedures and that appropriate action is taken, for example, referral to the Police, DBS or other statutory organisation and assessment against the Charity Commission's definition of a safeguarding serious incident.
  - **Monitoring progress:** the Policy and our progress against the above objectives will be transparently reported on and discussed, including in Staff Briefings, team meetings, and at board meetings as a standing agenda item.

### 3.3 Responsibilities of Managers and Supervisors

All those with line management responsibility must ensure that all staff and volunteers are aware of this policy and understand their own, and the charity's responsibilities. Managers have a particular duty to ensure that, within their area of responsibility, everyone is treated with dignity and respect. To discharge this duty, they must:

- Always challenge any unacceptable or questionable behaviour that they become aware of even if they are not directly affected (unless they are the recipient, in which case they may refer to this policy regarding possible courses of action for them to take).
- Be aware of behaviour and language that can cause offence including jokes and banter, and if necessary, remind staff of the expected standards.
- Respond to complaints of sexual harassment swiftly, sensitively and objectively using specified procedures and adhering to the wishes of the recipient.
- The focus in dealing with complaints should be to understand what has happened and address that proportionately.
- Deal directly with third party perpetrators, such as service users, customers, or contractors outlining actions which may include withdrawing service, terminating a contract, banning from the premises if behaviour is not moderated.
- Ensure that this policy is followed.

A SPOC and/or suitably trained member of HR will assist any line manager in dealing with complaints of sexual harassment. All complaints of sexual harassment must be dealt with in accordance with the charity's data protection Policy. All cases of sexual harassment will be made known to the Safeguarding Team to ensure there is appropriate oversight.

In terms of their own behaviour, managers are expected to be exemplars to others. Any inappropriate behaviour or response to such behaviour or abuse of a manager's positional power will serve to condone harassment and will be considered a serious breach of this Policy and be managed under the Disciplinary Policy. A line manager's failure to actively implement this Policy within their area of responsibility, or to fail to deal with sexual harassment when they become aware of it, could constitute a breach of this policy and their employment contract, and disciplinary action may be taken.

### **3.4 Single Point of Contacts (SPOCs)**

We recognise that it can be difficult for individuals to discuss or report sexual harassment, for example, if the individual's manager is the perpetrator or is aware of the harassment but has not taken action to stop it, the colleague is reluctant or too embarrassed to raise the matter with their manager, or feels that their manager may lack the skills, knowledge or sensitivity to deal with complaints of sexual harassment.

We are committed to ensuring that such difficulties are overcome so that allegations of sexual harassment are raised and can be acted upon. To aid in this endeavour, SPOCs, have been designated to deal with complaints of sexual harassment and to offer advice to colleagues who believe that they or their colleagues have experienced sexual harassment.

The main role of a SPOC is to:

- Provide empathetic assistance and support to colleagues with complaints of sexual harassment.
- Explain the procedures for making a complaint and the potential outcomes.
- Establish the main details of any complaint.
- Help the colleague to decide what they want to do.
- Pass the complaint to an appropriate manager for action if the colleague decides to take the matter further.

We will ensure that SPOCs receive special training in carrying out their role. SPOCs will discuss cases in complete confidence and will not divulge information to any other person without the agreement of the colleague (save in cases where there is a serious risk to health and safety and sharing with appropriate parties is considered necessary in which case this will be done in a minimal way using anonymous/non-identifiable information whenever possible – and in line with safeguarding procedures where if there is significant risk of harm to that person or others). SPOCs will have sufficient facility time within their roles to carry out their duties.

A colleague who makes any disclosure to a SPOC about sexual harassment is under no obligation to take further action. Colleagues who have been sexually harassed are not obliged to refer their complaints to SPOCs and any such disclosure is made voluntarily.

### 3.5 Responsibilities of colleagues

All staff have a responsibility to contribute to a respectful and productive working environment. This includes supporting and caring for their colleagues, customers and services users. All staff have a duty to assist in the creation of a safe working environment, where sexual harassment is not tolerated.

Colleagues must:

- Ensure they understand what sexual harassment is.
- Be aware of how their behaviour may affect others.
- Challenge unacceptable behaviour wherever possible as long as it is safe to do so, by calling out behaviour that is unacceptable when it happens and addressing the person who is behaving inappropriately; taking steps to defuse the situation/redirect those involved; checking in with the recipient of the behaviour after it has taken place, assuring them that what occurred was not acceptable.
- Report incidents of sexual harassment when witnessed and/or support recipients of sexual harassment in reporting it.
- Co-operate in investigations into alleged sexual harassment.

### 3.6 What should I do if I have sexually harassed someone or been accused of doing so?

If you have, or are concerned that you have, engaged in unwanted conduct of a sexual nature (intentionally or otherwise), you should take responsibility for your actions as soon as you can, as they may amount to sexual harassment. This is important as it may prevent the recipient of your behaviour from experiencing further trauma. For further advice, you should contact the HR Manager who will treat any information appropriately.

If you have been questioned, accused, charged or prosecuted for a criminal offence (including one of sexual harassment, assault or rape) in relation to anything that has happened in either a work context and/or outside of work, you must report this to us immediately. This applies even if you deny the alleged conduct or do not consider the alleged conduct to be connected to work. A failure to report this could amount to gross misconduct in itself.

Alleged sexual harassment may be investigated by us under this process, and in line with the charity's disciplinary policy. This could amount to an act of gross misconduct and could result in dismissal (including summary dismissal).

If, at any time, you are asked (verbally or in writing) by someone who considers your behaviour to amount to sexual harassment to stop, you must not persist in that behaviour. You should also report the incident to your manager. In such circumstances, it is important that you reflect on your behaviour and the way in which it is perceived and experienced by others. Remember that everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. An authentic apology and genuine assurance that the behaviour will not be repeated may be enough to end the matter. However, in some cases a direct apology without a third party to facilitate may not be appropriate and advice from the HR Manager should be sought in advance. You should

be sensitive to the reaction/potential reactions of the recipient. If the recipient refuses to accept your apology or is upset further by it, you should not persist in contacting them. You should also seek advice from the HR Manager and/or report your behaviour to your line manager, or the HR Manager at this point.

### **3.7 What should I do if I am the recipient of unwanted conduct of a sexual nature?**

You can report any concerns to your line manager, the HR Manager or a SPOC. In some cases, you may feel able to ask the perpetrator to stop the behaviour. If that is ineffective, or you do not feel able to do this, an informal discussion with the HR Manager/SPOC can be a useful way of talking through what has happened and deciding what further action you wish to take. Such discussions will be dealt with in confidence. However, if the harassment is of such a serious nature because of the high immediate risk to the safety of the complainant, or others with whom the perpetrator may come into contact, the employer may need to take further action. Information on external support that is available will be provided whenever you report sexual harassment and can be found in section 12 of the policy.

Recipients of sexual harassment are encouraged to report any instances of sexual harassment, victimisation or discrimination experienced. Reporting is an important step in preventing the behaviour and is important to the recipient's ongoing health, safety and wellbeing, and will enable them to access appropriate guidance and support. However, we recognise that there may be many reasons that someone who has experienced sexual harassment may not report it and are committed to making it easier and less stressful to do so.

## **4. What should I do if I have witnessed unwanted conduct of a sexual nature?**

You do not have to be the recipient or target of sexual harassment to raise a concern or make a complaint. If you see it happening or become aware of it, you should report it provided it is safe to do so, and you feel able to do so. We recognise that past experience of sexual harassment may make this difficult. Your actions can be important in helping create a culture free from sexual harassment and ensuring that there are no bystanders. Tackling sexual harassment is everybody's responsibility. Those who have witnessed sexual harassment can use the reporting mechanisms outlined below. You may be asked to give evidence as a witness, but we will ensure you are not victimised in you make, support or act as a witness.

## **5. Reporting Mechanisms**

It is important that any concerns are reported as you may be the first to formally raise something that has been occurring for some time.

There are different ways in which you can report such behaviour. These different methods recognise that each individual who experiences sexual harassment will have different needs and might desire

different outcomes. You should choose the reporting mechanism(s) that you feel most comfortable with.

We retain the right to investigate concerns that we become aware of even if these are based on anonymous reporting or complaints are withdrawn. Our ability to investigate and take action may be restricted in these circumstances, and we will act with respect and empathy towards any person who has raised a concern but no longer wishes to be involved in the process. As an employer, we may still pursue matters if it is appropriate and proportionate to do so. This is important to ensure that we can tackle concerns about potential sexual harassment within the charity.

## **5.1 Informal Reporting**

If a person reports sexual harassment to their line manager or the HR Manager but does not want to take the matter any further, the individual receiving the complaint will keep in contact with them to periodically check whether the situation has improved.

Although the wishes of the individual to keep the report on an informal footing will be adhered to wherever possible, there may be some circumstances where the harassment is of such a serious nature that the employer will need to take action because of the high immediate risk to the safety of the complainant, or others with whom the perpetrator may come into contact with. In such situations, a formal investigation with suspension, or transfer of the alleged perpetrator, to prevent further harassment, or victimisation of the complainant may be considered.

## **5.2 Reporting to a Single Point of Contact (SPOC)**

An informal discussion with a SPOC can be a useful first step in talking about what has happened. This may be followed by a formal report. There is no obligation to make a formal report, but as outlined below, for legal reasons, formal action to address specific incidents will normally only be taken once a formal report has been received.

## **5.3 Formal Reporting**

If informal action does not stop the sexual harassment, or a formal report is made, a formal procedure should be initiated in line with the grievance process outlined in the Grievance Policy.

The process allows both the complainant and the person against whom the complaint is made the right to be accompanied by a trade union representative, or a workplace colleague.

A person who believes that they have been sexually harassed and who decides, whether after discussions with a SPOC or not, to formally report it should, in the first instance, report the alleged act or acts to their line manager. If they do not feel that the line manager is an appropriate person, for example if the line manager is the person doing the harassment, the report should be made to the HR Manager. Where possible, the worker should set out in writing details of the complaint including dates and times of the alleged incident(s) and an account of the behaviour. They should also include what their desired outcome is; SPOCs can support workers in establishing this. This will follow the grievance handling policy and procedures.

All complaints will be handled and investigated in a timely and confidential manner (unless there is a significant risk of harm to the recipient or others). The complainant will be invited to a meeting with

the person to whom the report is made as quickly as possible and will have the right to be accompanied at this meeting by a trade union representative or a work colleague. Following this initial meeting, the person to whom the complaint is made will instigate an investigation to be undertaken by an Investigating Manager and will then step back from the process.

### **5.3.1 The Investigation**

At the outset of the investigation the position concerning confidentiality will be explained to participants before they take part. In practice, there will be a requirement for those giving evidence (including complainers and alleged perpetrators) to the investigation to keep what they have said in the process confidential (though they will be given details of those in the organisation that they can speak to for support). It will also be explained how the information they provide in the process may be used and shared in the future. While the sensitive nature of information will be respected and it will be managed accordingly, participants should understand that the information may be used as part of a subsequent HR process or may initiate safeguarding action to be taken. Within the charity, confidentiality will be maintained as far as possible, with information only being shared when appropriate. We may at times need to involve external agencies where a criminal offence may have been committed, or if maintaining confidentiality would pose a risk to the complainant or to others.

Staff shall be guaranteed a fair and impartial hearing whether they are the complainant or the alleged perpetrator.

As a first stage in investigating the complaint, the Investigating Manager will arrange to interview separately the complainant, and the alleged perpetrator, both of whom may be accompanied by a trade union representative or work colleague. We recognise that the complainant may prefer to talk to an investigator of the same sex, and this will be facilitated wherever possible.

Managing a complaint under this Policy will mirror the structure of any other Grievance Process while also recognising the unique issues and skillsets that may be needed to properly manage a sexual harassment complaint.

The investigating Manager will be the same person as the Grievance Hearing Manager and their remit will be to:

- investigate the complaint.
- provide an outcome to the complainant, and
- where appropriate make a recommendation as to whether the matter should be referred to a disciplinary process centred around the alleged perpetrator.

The investigating manager should decide on the outcome for the complainant, because they will have a first-hand understanding of all the information and have spoken with all witnesses. This reduces the need for the person raising the concern to re-tell their story to multiple people and we hope will therefore minimise the need to re-open any past trauma.

One possible outcome could be that disciplinary action is recommended, in which case the investigation carried out under this Policy will form part of the disciplinary investigation. An independent manager will always be appointed as Disciplinary Hearing Manager and will be

responsible for satisfying themselves that a reasonable investigation has been carried out for the purpose of the disciplinary matter, they are tasked with considering. Where necessary, a separate disciplinary investigating manager may be appointed to complete the disciplinary investigation. The Disciplinary Hearing Manager may also carry out further investigation themselves. It is possible that in a sexual harassment matter a disciplinary hearing manager may wish to speak to certain witnesses including the person who raised the complaint first hand to gain a fuller understanding of their evidence. The Disciplinary Hearing Manager will conduct a fair disciplinary process while remaining mindful of minimising the circumstances in which a complainant is required to re-tell their account as this may re-open past trauma.

If the sexual harassment constitutes a potential criminal offence, such as a sexual assault, indecent exposure, stalking and/or offensive communications, the investigating manager will provide them with appropriate support should they wish to report the matter to the police. In such cases, we will liaise with the police regarding the investigation and any linked grievance and/or disciplinary processes and take advice on how to conduct a fair process. Where there is an ongoing risk of serious harm to an individual, the investigating manager will contact the police directly and inform the complainant that they have done so.

We also recognise that when a workplace matter is also the subject of potential criminal investigation, the alleged perpetrator may be seeking independent legal advice, and as part of that may be advised not to participate in the internal work process as this could impact upon criminal proceedings. We will not draw any adverse inference from any lack of participation in the process for this reason. However, we may still need to progress matters and take a decision on next steps based on the information available.

We will ensure that the complainant, and the alleged perpetrator, are not required to work together while the complaint is under investigation. In a serious case, as a precautionary measure for the protection of the complainant or to prevent interference in the investigation, the alleged perpetrator may be suspended while investigation and any subsequent disciplinary procedure are undertaken. Such suspension will be for as short a time as possible and will be kept under regular review, will be on full pay and will not amount to a disciplinary sanction.

At the end of the investigation, the investigating manager, with support from HR will provide a detailed response in writing to the complainant specifying outcomes wherever appropriate. If the complaint is upheld, this will include details of the action taken to address the specific complaint and of any preventative or structural measures taken to safeguard against future incidents of a similar nature.

If the outcome of the complaint is that the matter will proceed to a disciplinary process, the complainant will have a right to know that this will be pursued under a disciplinary procedure. However, they will not have the right to know what the outcome of that procedure was or if any sanction has been imposed. We recognise that this can be incredibly frustrating. Some sanctions (for example, an exit from the organisation or apology) will be visible and this can help to reassure the complainant that action has been taken. Other sanctions are "invisible" to others in the organisation (for example, a disciplinary warning or training requirement) and this can lead to concern that no action has been taken. We wish to reassure all those involved that just because action cannot be seen does not mean steps have not been taken. As an employer we have a duty



towards all employees and must respect the confidentiality expectations of staff who are the subject to disciplinary proceedings.

If relocation proves necessary, the perpetrator and not the complainant will be relocated unless the complainant requests otherwise.

## **5.4 Reporting to the Police**

A colleague may also report concerns about sexual harassment that amounts to criminal conduct to the police when they consider it appropriate to do so. Personal safety is paramount and where a person has any concerns about criminal behaviour we recommend reporting to the police. Any police investigation supersedes an internal investigation, and internal proceedings may be paused if requested by the Police whilst their investigation is finalised.

## **6. Outcome and Sanctions for Committing Sexual Harassment**

In some cases, the outcome of a complaint under this procedure may be an informal resolution, such as an apology or mediated discussion with the alleged perpetrator about how their behaviour is received, or that the matter is not found to amount to sexual harassment. If this is the case the information will be provided to the complainant and any alleged perpetrators. There will be support provided in dealing with the outcome.

If a complaint of sexual harassment is upheld, then it may progress to a disciplinary process.

The sexual harassment investigation is likely to be the basis of that disciplinary investigation. The outcome of that disciplinary process could range from no sanction to a sanction including warnings, to dismissal (including summary dismissal). These steps will be taken in accordance with the Disciplinary Policy and Procedure.

## **7. Right of Appeal**

The complainant has the right to appeal against the decision following the outcome within 5 working days of receipt of the outcome letter. On receipt of an appeal, a meeting will be arranged with an alternative manager who has not previously been involved in the procedure, to consider the appeal. The complainant will be given the opportunity to put forward their case and explain why they are not satisfied with the outcome. The meeting may be adjourned by the person hearing the appeal, if it is considered necessary to undertake further investigation. The meeting will be reconvened as soon as possible. The decision of the person hearing the appeal shall be final.

## **8. Protection from Victimisation**

All colleagues shall be protected from intimidation, victimisation or discrimination for making a complaint of sexual harassment or for assisting in an investigation. Retaliating against a colleague for complaining about or assisting in an investigation of sexual harassment is a disciplinary offence.

## **9. Management of legal disputes connected to sexual harassment**

In the event of a legal dispute connected to sexual harassment, we commit to managing such matters appropriately, fairly and with empathy. We recognise that for some people, the formal court and tribunal process can re-open past trauma and cause harm. As such, we commit to always being open to the possibility of alternative dispute resolution and mediation (including judicial mediation) where this is requested by a person who alleges that they have been sexually harassed.

## **10. Support for colleagues affected by Sexual Harassment**

We recognise that sexual harassment can cause stress, anxiety or other mental health conditions as well as physical health problems. Deterioration in job performance which results from sexual harassment will be dealt with as a health-related issue and the colleague will be encouraged to seek help and support under the terms of this policy. There will be no discrimination against individuals suffering from stress caused by sexual harassment. We also recognise that those who may be accused of sexual harassment, witnesses to incidents or otherwise affected such as by being a bystander, can experience stress, anxiety or other mental or physical health problems. We have a duty of care to support all staff affected by these issues.

Access to the Employee Assistance Programme will be available to all affected staff in the strictest confidence. No details or records will be disclosed without the written permission of the member of staff concerned. Paid time-off to attend counselling sessions will be offered. We may, where appropriate, refer the individual to an occupational health provider, advise they seek advice from their GP or refer them to an independent doctor.

## **11. Use of language**

Language used when discussing sexual harassment is important. We recognise that this is a sensitive subject, and individuals may have different reactions to certain words and terminology. While we have used the terms "alleged perpetrator" and "complainant" in this policy, when managing any complaint of sexual harassment, we will be mindful of the language used. We will not use the term "victim" to describe a person who raises a complaint about sexual harassment. If at any time during your involvement in a sexual harassment matter you have concerns about the terminology used, please raise this promptly so that agreed language can be identified and used in the process going forward.

## 12. Further Information and Support Services

There are a number of organisations who offer support to people who may have been affected by sexual harassment, including:

- **Rape Crisis England and Wales** – an organisation that provides information and support for anyone who has experienced sexual violence, regardless of when, where or how it happened.  
Contact their 24/7 Support Line for free on 0808 500 2222.
- **Safeline** – an organisation that provides dedicated services for male survivors of sexual violence and those who support them living in England and Wales. Contact their national male survivor helping on 0808 800 5005.
- **Samaritans** – an organisation that provides emotional support for anyone who is struggling to cope, is in distress or lonely and would like someone to talk to. Contact their 24/7 Support Line for free on 116 123.
- **Rights of Women** – an organisation dedicated to providing frontline legal advice to women experiencing all forms of violence against women and girls. Rights of Women deliver free employment legal advice to women in England and Wales experiencing sexual harassment at work including:
  - Identifying sexual harassment
  - Reporting sexual harassment to your employer
  - Grievances, investigations and appeals
  - Employment Tribunal procedures
  - Settlement agreements
  - Reporting sexual harassment to professional regulatorsContact their sexual harassment at work advice line on **020 7490 0152**.
- **LawWorks** is a charity working in England and Wales to connect volunteer lawyers with people in need of legal advice, who are not eligible for legal aid and cannot afford to pay. It enables people to search for free advice in their local area.
- **Equality Advisory and Support Service** - The service is aimed at individuals who need information, advice and support on discrimination and human rights issues in England, Scotland and Wales. Contact their helpline on **0808 800 0082**.

### 13. Document version control

This policy and procedure will be reviewed regularly every 2 years or at the point of any significant change in legislation.

Date	Action Taken	Next review due
January 2025	Policy written, consulted on and agreed by the board.	January 2027