

# Sexual Harassment Policy



## Aim

This policy sets out how Pioneering Care Partnership (PCP) ensures all members of staff will be treated with dignity and respect whilst at work. This means freedom from sexual harassment, feeling safe and supported, and having access to redress if such behaviour does arise.

Allegations of either will be treated in accordance with our grievance procedure and if there are findings this will be considered to be a disciplinary matter.

## Scope

Sexual harassment takes many forms but whatever form it takes, it is unlawful under the Equality Act 2010 (as amended) and it will not be tolerated at PCP.

PCP seeks to ensure that the working environment is safe and supportive to all those who work for us. This includes employees, workers, agency workers, volunteers and contractors in all areas of our Organisation.

It is a legal requirement for employers to take reasonable proactive steps to prevent sexual harassment for workers. PCP takes action to prevent sexual harassment from occurring and have developed clear reporting procedures for staff to make a complaint about sexual harassment.

All staff are encouraged to speak out if they have been sexually harassed, or have witnessed sexual harassment, and PCP is committed to dealing with the matter swiftly. PCP recognises that fear of retribution can stop someone from speaking up, but it's crucial to remember this can be the most successful way to stop to sexual harassment. Staff will not be victimised for raising a complaint.

This Policy is non contractual.

## Definitions

Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It also covers treating someone less favourably because they have submitted to or have refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex. Sexual harassment may be committed by a fellow worker, an agent of an organisation, or a third party. It does not need to occur in person, it can occur via digital means including social media sites. Furthermore, someone may be sexually harassed even if they were not the target of the harassment and they are a witness only.

### **Examples of sexual harassment include, but are not limited to:**

- sexual comments or jokes;
- displaying sexually graphic pictures, posters or photos;
- suggestive looks, staring or leering;
- propositions and sexual advances;

- making promises in return for sexual favours;
- sexual gestures;
- intrusive questions about a person's private or sex life or a person discussing their own sex life;
- sexual posts or contact in online communications including on social media;
- spreading sexual rumours about a person;
- sending sexually explicit emails, text messages or messages via other social media;
- unwelcome touching, for example, hugging.

**This policy covers behaviour which occurs in the following situations:**

- a work situation;
- a situation occurring outside of the normal workplace or normal working hours which is related to work; for example, a working lunch, a business trip or social functions;
- outside of a work situation but involving a colleague or other person connected to the organisation, including on social media;
- against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

## Procedure

### What to do if you witness Sexual Harassment or Victimisation.

If you witness sexual harassment or victimisation, you are encouraged to take appropriate action to address it. You should not take any action that may put you at risk of sexual harassment or other harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support to the person who has been sexually harassed and encouraging them to report the incident, or to report the incident yourself.

If reporting the incident, you should bring the matter to the attention of your line manager (or senior manager in their absence) immediately. The line manager must escalate any concerns or complaints direct to HR and their senior manager.

If it is a senior manager raising a complaint, this must be direct to either the Chief Executive or the Deputy Chief Executive, along with the senior HR lead. If it is the Chief Executive or Deputy Chief Executive, this must be raised to each other and the Chair of the Trustees.

### What to do if you are subject to Sexual Harassment or Victimisation.

It's a good idea to make a note of what's happened. This should include dates, times and names, including any witnesses. Making a note can be especially helpful if you find talking about the experience particularly distressing.

### Informal Complaint

We recognise that complaints of sexual harassment or victimisation can be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue via our normal grievance procedure. In these circumstances you are encouraged to raise such issues with your line manager as a confidential helper. The line manager is responsible for informing their senior manager of any informal complaints received.

If you experience sexual harassment and you feel comfortable to do so, you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask them to stop. If you are unable to do this verbally, you should do this in writing.

In addition, you may also choose to raise concerns during your regular communication with your line manager. For example, in a 1-2-1 meeting or supervision. Your line manager will listen to you and take your concerns seriously if you do this, but they may encourage you to follow the formal reporting procedure set out below.

Your line manager must make a note on your Sage HR employee file using the notes section and notify HR.

### **Formal Complaint- Stage 1**

Where the informal approach fails, or if the sexual harassment or victimisation is more serious, you should bring the matter to the attention of the HR Department and the senior HR lead as a formal written complaint. If possible, you should keep notes of what happened so that the written complaint can include:

- the name of the alleged harasser;
- the nature of the alleged harassment;
- the dates and times when the alleged harassment occurred;
- the names of any witnesses;
- the actions (if any) already taken by you to stop the alleged harassment.

On receipt of a formal complaint, we may take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area, or suspension with contractual pay until the matter is resolved.

We would consider any temporary transfer or suspension carefully on a case-by-case basis. Invoking these actions does not mean the organisation has decided the outcome.

A sexual harassment complaint will be dealt with by the formal Grievance Procedure, which can be found in the [Policies and Procedures folder](#) in the Document Hub. (NHS line managers see [Integrated folder](#)).

There may be some circumstances where a grievance is not the most effective route to deal with sexual harassment in the workplace and you may consider raising it as Whistleblowing concern. Whistleblowing requires there to be a public interest element in your concern. Please refer to the Whistleblowing Policy for more information.

If there are findings in the grievance report which recommend that sexual harassment has taken place or other misconduct, a disciplinary process will commence.

If a disciplinary sanction is to be applied, we will take into consideration any aggravating factors affecting the case. One example of an aggravating factors is abuse of power over a more junior colleague, including physical touch.

If, due to the investigation, it is concluded that your complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

## **Appeal- Stage 2**

You have the right to appeal against the findings of the investigation. Please refer to the appeal section of the Grievance Procedure.

## **When it's a crime**

If an employee tells us that they have been sexual assaulted or raped at work, you may want to report this to the police. We will:

- talk with you about whether you intend to report it to the police;
- encourage you to report it, without putting any pressure on you;
- support you if you choose to report it.

However, there may be occasions when we feel that we need to inform the police, for example, if there is an ongoing risk to your safety or others. In these circumstances the incident will be reported using our [Safeguarding Procedure](#). If we are going to tell the police, we will:

- tell the employee who's made the complaint first;
- let the employee know when we have reported it to the police.

## **Third-party sexual harassment**

Third-party sexual harassment occurs when a member of our workforce is subjected to sexual harassment by someone who is not part of our workforce, but who is encountered in connection with work. These can include, our customers, suppliers, service users and self-employed contractors.

Third-party sexual harassment of our workforce is unlawful, and it will not be tolerated. The law requires employers to take steps to prevent sexual harassment by third parties, and we are committed to doing so by:

- requesting third party suppliers to confirm that they have a procedure in place to deal with any sexual harassments complaints or concerns that have taken place;
- confirming to third party suppliers that we have a zero-tolerance approach to sexual harassment;
- taking steps to remedy a complaint and prevent it from happening again. For example, warning a customer about their behaviour, or banning a customer;
- reporting any criminal acts to the police.

If you are subject to or witness sexual harassment by a third party in relation to work, you must raise it at your earliest convenience to your line manager. Your line manager is responsible for escalating it to the HR department and the senior manager of the service.

We will not tolerate sexual harassment by any member of our workforce against a third-party.

## Responsibilities

**Trustees** recognise their overall responsibility for ensuring that PCP complies with its legal obligations.

**All Employees** are responsible for;

- Their own behaviour and actions in creating an environment which supports dignity at work for all;
- Ensuring that the rights of others are respected and upheld;
- Familiarising themselves with this policy and attend relevant training;
- Bringing the attentions of the appropriate manager to any unwanted behaviour or conduct that they may experience directly or indirectly;
- Creating a supporting and encouraging environment which values all people and not causing embarrassment, conflict of interest, harassment, alarm or distress to another employee, nor discriminating unfairly or unlawfully on any grounds.

**Senior Managers** are responsible for;

- Ensuring that the policy, alongside the Sexual Harassment Risk Assessment, is reviewed, disseminated and implemented and addressing any concerns raised through this Policy.

**Line Managers** are responsible for;

- Using positive management behaviours to promote and maintain an environment supportive of dignity at work for all;
- Disseminating this Policy to their staff;
- Taking any concerns raised with them seriously and follow the appropriate procedures to address these concerns;
- Completing individual risk assessments as required for their team members.

**HR** are responsible for:

- Ensuring this policy complies with current legislation and advice on implementing the procedure is available to managers and employees;
- Ensuring mandatory training is up to date;
- Delivery of Condensed Policy Training, including reference to this and associated policies and procedures.

## Related Policies and Procedures

There are a number of key policies and procedures in place, which directly or indirectly support this policy, including:

- Disciplinary Procedure
- Grievance Procedure

- Dignity at Work Policy
- Equality and Diversity Policy
- Whistleblowing Policy
- Safeguarding Policy

## Relevant Legislation

- Equality Act 2010 (as amended)
- The Worker Protection (Amendment of Equality Act 2010) Act 2023
- Protection from Harassment Act 1997
- Criminal Justice and Public Order Act 1994
- Health & Safety at Work Act 1974

## Communication

PCP will ensure that:

- All employees are aware of the policy and associated action plans at induction;
- The policy document is available on PCP’s intranet and document hub;
- Training related to this subject is mandatory for all PCP employees;
- This policy is easily accessible by all members of the organisation;
- Employees are informed when a particular activity aligns with this policy;
- Employees are empowered to actively contribute and provide feedback to the policy;
- Employees are notified of all changes to this policy in a timely manner;
- Sexual harassment is specifically highlighted in promotions of Dignity at Work.

## Monitoring and Review

This Policy will be reviewed by the Operations Manager on a regular basis to ensure that it remains compliant. A full formal review will also take place annually by Senior Leadership Team as part of the Policy Review Cycle..

**November 2024**

## Policy Document Tracking

Action	Date(s)
Consultation with Company Council	23 October 2024
Draft to SLT:	7 November 2024
Approved by SLT:	25 November 2024
Approved Policy uploaded and shared with staff:	26 November 2024
Main Review Date:	October 2025
SLT Review by:	Operations Manager

**If this policies or procedure is not reviewed in line with the review date indicated then this version remains valid until such time it is updated and reviewed.**