SEXUAL HARASSMENT

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1. INTRODUCTION

Overworld AMP Limited ("the Provision") ensures that all members of staff are entitled to be treated with dignity and respect at work. This means freedom from sexual harassment, feeling safe and supported, and having access to redress if such behaviour does arise.

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

The law requires employers to take reasonable steps to prevent sexual harassment of their workers. We take action to prevent sexual harassment from occurring and have clear reporting procedures for our staff to make a complaint about sexual harassment. If you have been sexually harassed, or you have witnessed sexual harassment, we encourage you to tell us so that we can deal with the matter swiftly.

Instances of sexual harassment or victimisation may lead to disciplinary action including termination of employment.

2. SCOPE

We deplore all forms of sexual harassment and seek 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 Provision.

This this policy specifically addresses sexual harassment in the workplace. Where an allegation or concern relates to a child or vulnerable adult under our care, staff must follow safeguarding procedures without delay, in line with statutory guidance and local authority protocols.

3. ROLES AND RESPONSIBILITIES

3.1 The CEO has overall responsibility for the operation of this policy but may delegate elements of implementation or decision making to Senior staff.

3.2 All Managers will maintain an open-door policy, so staff feel able to speak out against harassment.

3.3. All our staff have a responsibility to behave in line with the requirements of this policy.

4. DEFINITIONS

4.1 Sexual harassment

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 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 the Provision, or a third party. It does not need to occur in person. It can occur via digital means including social media sites or channels e.g. WhatsApp. Someone may be sexually harassed even if they were not the target of the behaviour. Examples of sexual harassment include, but are not limited to:

- sexual comments or jokes, which may be referred to as 'banter'
- 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, hugging, massaging or kissing

4.2 Victimisation

Subjecting someone to detriment because they have done, are suspected of doing, or intend to do an act which is protected under discrimination and harassment laws. It is not necessary for the person to have done the protected act in order for detrimental treatment to be considered as victimisation.

The protected acts are:

- making a claim or complaint under the Equality Act 2010 (for example, for discrimination or harassment)
- helping someone else to make a claim by giving evidence or information in connection with proceedings under the Equality Act 2010
- making an allegation that someone has breached the Equality Act 2010, or
- doing anything else in connection with the Equality Act 2010

Examples of victimisation may include:

- Failing to consider someone for promotion because they have previously made a sexual harassment complaint
- Dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint
- Excluding someone from work meetings because they gave evidence as a witness for another employee as part of an employment tribunal claim about harassment.

5. CIRCUMSTANCES WHICH ARE COVERED

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 Provision, including on social media
- against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

6. REPORTING SEXUAL HARASSMENT OR VICTIMISATION

Any member of staff who experiences or witnesses sexual harassment or victimisation should report it as soon as reasonably practicable to the CEO or another senior manager.

Where appropriate, concerns may be raised informally in the first instance. Where this is not appropriate, or the matter is serious, concerns should be raised formally.

Reports may be made in person, by email or in writing.

Formal complaints will be managed in accordance with the Provision's Grievance Procedure set out in the Employee Handbook. Where a concern relates to wrongdoing in the public interest, staff may instead raise the matter through the Whistleblowing Procedure in the Employee Handbook.

Where an allegation involves a child or vulnerable adult, staff must also follow the Provision's safeguarding procedures without delay.

7. WITNESSING SEXUAL HARASSMENT OR VICTIMISATION

Staff who witness, become aware of, or receive a disclosure of sexual harassment or victimisation are encouraged to report their concerns promptly to the CEO or another senior manager.

Where appropriate, staff should offer support to the individual affected but should not place themselves at risk or attempt to investigate the matter themselves.

Concerns will be managed confidentially, as far as possible, and in accordance with the Provision's Grievance Procedure, Whistleblowing Procedure and, where applicable, Safeguarding Policy.

8. THIRD-PARTY SEXUAL HARASSMENT

Third-party sexual harassment occurs when a member of staff is subjected to sexual harassment by someone who is not employed by the Provision but who is encountered through work. This may include parents, carers, commissioners, contractors, visitors, volunteers or members of the public.

The Provision will not tolerate sexual harassment by, or towards, any third party. Staff who experience or witness such behaviour should report it promptly to the CEO or another senior manager.

Where appropriate, the Provision will take reasonable steps to protect staff. Depending on the circumstances, this may include:

- addressing the behaviour directly with the individual;
- restricting or supervising contact with staff;
- requiring meetings to take place in an alternative format or location;
- refusing access to the premises;
- ending contractual or visitor arrangements where appropriate; and
- reporting criminal behaviour to the police.

Where the behaviour involves a young person, the Provision's *Young Person Protection* policy must also be followed.

9. DISCIPLINARY ACTION

Sexual harassment, victimisation or retaliation against a person who raises or supports a complaint under this policy may constitute misconduct or gross misconduct and will be dealt with under the Provision's Disciplinary Procedures as set out in the *Employee Handbook*.

Any disciplinary action taken will be proportionate to the circumstances and may include dismissal where appropriate.

Deliberately false or malicious allegations may also be dealt with under the Provision's Disciplinary Procedures. A complaint that is not upheld, or which is made in good faith but cannot be substantiated, will not in itself result in disciplinary action.

10. TRAINING AND AWARENESS

The Provision ensures that all staff are made aware of this policy as part of their induction and are expected to read, understand and comply with its requirements.

Managers are responsible for promoting a respectful working environment, responding appropriately to any concerns raised and ensuring staff know how to report sexual harassment or victimisation.

Where appropriate, the Provision may provide additional guidance or training following changes in legislation, identified risks or learning from incidents.

11. RECORD KEEPING

Records of complaints and investigations will be kept confidentially in accordance with our Data Protection and GDPR policy.

12. MONITORING AND REVIEW

This policy is reviewed annually to ensure it remains up to date, or sooner with changes to legislation and in order to monitor its effectiveness. Any changes required will be implemented and communicated to staff.