



**One Big Family
Helping the
Homeless**

Policy Approved Date:	8/11/24
Approved By:	The Trustees
Policy Review Date:	8/11/26

Sexual Harassment Policy

INTRODUCTION

We are committed to creating an inclusive and welcoming work environment free from any type of harassment or bullying, where every employee or volunteer may achieve their potential.

You have the right to feel safe, welcome, and comfortable as you conduct your day-to-day work and you are empowered to raise challenges and make complaints if you experience any behaviour that falls below this standard.

From October 2024, the Worker Protection (Amendment of Equality Act 2010) Bill strengthens existing protection against sexual harassment.

At One Big Family – Helping the Homeless we continue to take a zero-tolerance stance against sexual harassment of any kind. All allegations will be investigated and, where appropriate, disciplinary action will be taken. In certain cases, employees or volunteers may be personally liable to pay compensation in legal claims. It is also important to note that serious harassment and/or sexual harassment may also constitute a criminal offence.

We will also not tolerate an employee or volunteer being subjected to victimisation where they have made an allegation of harassment or bullying in good faith, or have supported someone to make such a complaint. Victimisation is also a disciplinary matter.

SCOPE

This policy covers sexual harassment of and by staff, managers, volunteers, trustees, contractors, partners and anyone else we engage to work for or with us.

The policy covers sexual harassment in the workplace (including virtual settings) in any work-related setting outside the workplace (e.g. business trips and work-related social events) and on social media.

If the complainant or alleged harasser is not employed by us, (for example if the worker's contract is with an agency), we will apply this policy with any necessary modifications. This could mean that we require the agency to remove the worker, if appropriate.

For non-sexual harassment or bullying, please see the separate Harassment & Bullying policy.

WHAT IS SEXUAL HARASSMENT?

Sexual Harassment may come in many forms. From unwelcome touching to offhand comments, it's defined as:

“any unwanted behaviour of a sexual nature that violates someone's dignity, intentionally or not, or creates an intimidating, hostile, degrading, humiliating or offensive environment for someone, whether intentional or not”.

Examples of sexual harassment, may include flirting, repeatedly asking someone for a drink or inappropriate touching. With this in mind, what some may consider as “just having a laugh” or “banter” will still be considered sexual harassment if it fits within the definition above or included in the appendix on page 6.

Sexual harassment is typically directed at an individual, however there can be times where it may not be aimed at any individual directly, such as the sharing or displaying of sexual images e.g. sharing sexual content in an email. In this situation someone would still be able to make a complaint of sexual harassment.

It can be a one-off incident, or it can be an ongoing or regular pattern of behaviour. It can take many forms, whether verbal, non-verbal, physical, or visual, and can happen in person, over the phone, in writing or online through medium such as email, social media, video calls, messaging or WhatsApp.

The behaviours that fall within the definition of sexual harassment are broad and far-reaching, so the examples listed in the appendix on page 6 are not exhaustive, but are provided to give you an idea of unacceptable behaviours and conduct under the law.

Sexual harassment in the workplace is considered to be unwanted behaviour of a sexual nature that is in the course of employment at work during working hours and in the typical work environment, however it also extends to work social events out of hours e.g. Christmas parties, drinks with colleagues/volunteers after work, or a work or social event organised by third parties, including insurers or clients. Dependent on certain circumstances it can even apply to sexual harassment taking place in a completely non-work-related environment, that then subsequently has an impact or effect on the work environment.

Sexual harassment of any kind is prohibited, whatever form it takes. All allegations of sexual harassment will be taken very seriously, and could lead to disciplinary action being taken, up to and including dismissal. In addition, as stated above, an allegation may lead to the matter being reported to the police.

WHAT IS VICTIMISATION?

Victimisation is subjecting a person to a detriment (essentially being treated badly) because they have, in good faith, complained (formally or otherwise) that someone has been harassing, sexually harassing or bullying them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint (the original complaint could be against our organisation or another employer). This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised. We recognise that fear of victimisation can put people off reporting sexual harassment, and we will always therefore take appropriate action to deal with any alleged victimisation, including disciplinary action.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

WHAT SHOULD I DO IF I BELIEVE I AM BEING SEXUALLY HARASSED

We encourage anyone who believes that they have been sexually harassed or victimised to come forward and share their experiences and concerns with us. We need you to be able to have open conversations, engage in dispute resolution and, where appropriate, implement a disciplinary process.

You may be able to sort out matters informally. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it. You may feel able to approach the person yourself, or with the help of someone else

Alternatively, an initial approach could be made on your behalf by one of these people. You should tell the person what behaviour you find offensive and unwelcome and say that you need them to stop it immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your Team Leader or Team Resources. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues, and you wish to make a formal complaint.

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint directly to Team Resources, who will deal with matters on a strictly confidential basis and guide you in connection with next steps and where to obtain any immediate support that you might require.

In very serious cases, a criminal offence may have been committed and you may wish to notify the police. If that's the case, Team Resources can arrange for someone to accompany you to the police.

HOW WE RESPOND TO COMPLAINTS

All complaints will be investigated promptly and, if appropriate, we will bring disciplinary proceedings against the alleged harasser. You will have the right to be accompanied by a fellow employee or other person to support you at any meeting dealing with your grievance in accordance with our Grievance Policy. We will keep in touch with you on the general progress of the process and, subject to data protection requirements, the outcome of any disciplinary proceedings that may follow.

We treat complaints of sexual harassment sensitively and ensure high levels of confidentiality.

The investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so they are able to respond to the allegations.

Some details may also have to be given to potential witnesses, but this will be limited as far as possible, while ensuring a fair and sufficiently thorough investigation. We will emphasise the importance of confidentiality to witnesses.

If, following a full and thorough investigation a disciplinary process is followed, upon the conclusion of these proceedings, if the person you have complained about remains employed by us (for example, a sanction short of dismissal is appropriate), we may need to share some information with other employees or volunteers to prevent any risk of further harassment by that person against you or others.

Wherever possible and in cases where deemed appropriate, we will try to ensure that you and the alleged harasser are not required to work together while the complaint is under investigation. This could involve giving you the option of working from home, where possible, or remaining at home on special leave, if agreed. In the case of serious allegations, we may suspend the alleged harasser while the investigation and any disciplinary proceedings are underway.

If your complaint is upheld, and the person found to have sexually harassed you remains employed, every effort will be made to ensure that, if possible, you do not have to continue to work alongside them, if you do not wish to do so. We will discuss the options with you. These may include the transfer of the harasser or, if you wish, you may be able to transfer to another position.

If your complaint is not upheld, we will support you and the alleged harasser in respect of future working arrangements and to help reconcile working relationships. We will consider any request for you and the alleged harasser not to continue to work alongside each other if either of you do not wish to do this. However, we will also need to consider operational and client needs.

As previously stated, some types of sexual harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings. There are strict time limits for bringing claims of unlawful discrimination to an employment tribunal.

WHAT CAN I DO TO HELP PREVENT SEXUAL HARASSMENT?

We all have a responsibility to create and maintain a work environment free from sexual harassment, and to treat all of our employees and volunteers with dignity and respect.

You can help to do this by: -

- Being aware of how your own behaviour may affect others and, if necessary, changing it. Remember, you can still cause offence even if you are “only joking”;
- Treating your colleagues with dignity and respect;
- Taking a stand if you think inappropriate jokes or comments are being made by others;
- Making it clear to others when you find their behaviour unacceptable;
- Intervening, where possible, to stop sexual harassment and giving support to anyone who may have been sexually harassed;
- Reporting sexual harassment to your Team Leader, Team Manager or Team Resources and co-operating in investigations; and
- If a complaint of sexual harassment is made, not prejudging, or victimising the complainant or alleged harasser.

Managers and Trustees have a particular responsibility to: -

- Set a good example by your own behaviour;
- Ensure that there is a supportive working environment;
- Make sure that employees and volunteers know what standards of behaviour are expected of them;
- Intervene to stop sexual harassment; and
- Report promptly to the management/trustees any complaint of sexual harassment, or any incident of sexual harassment that you witness.

WHAT HAPPENS IF I AM ACCUSED OF SEXUAL HARASSMENT?

If someone approaches you informally about your behaviour, do not dismiss any complaint because in your mind, you were only joking, or that you think the complainant is being too sensitive. Remember that different people find different things acceptable, and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others.

You may have offended a someone without intending to. If that is the case, the person concerned may be satisfied with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you are now aware may cause offence.

If a formal complaint is made about your behaviour, we will fully investigate it and we may instigate disciplinary proceedings, if appropriate.

We will follow our Disciplinary Procedure and you will be informed of the allegations against you.

You will be given the opportunity to explain your account of events at the disciplinary hearing, at which you will have the right to be accompanied by an advocate or representative. Complaints of sexual harassment may be heard as an allegation of gross misconduct that, if proved, could lead to dismissal without notice.

We treat complaints of sexual harassment sensitively and maintain a high level of confidentiality.

Following investigations of such complaints, it may be necessary to disclose limited information on a "need to know" basis. For example, some details may have to be given to potential witnesses, but this will be limited as far as possible, while ensuring a fair and sufficiently thorough investigation. The importance of confidentiality will be emphasised to witnesses.

Wherever possible, we will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and, if appropriate, until disciplinary proceedings have been concluded.

Any suspension is a precautionary measure to allow a fair and impartial investigation to take place. It will not prejudice the outcome of any subsequent action and we do not consider suspension a presumption of guilt nor a disciplinary action.

If the complaint against you is upheld, we may impose a disciplinary penalty up to and including dismissal, considering the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, we may decide to transfer you to another post.

If a complaint is made against you that is not upheld and we have good grounds for believing that the complaint was not made in good faith, we will investigate and, if appropriate, will take disciplinary action against the person making the false complaint.

You must not victimise any person who has made a complaint in good faith against you or anyone who has supported them in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if we have good reason to believe that you may have victimised the complainant or someone else.

If the complaint against you is not upheld, management will support you and the complainant in deciding how best to move forward with your working relationship.

Some types of sexual harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of our disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal or other courts was brought against you. Criminal proceedings could lead to conviction and criminal penalties.

DATA PROTECTION

We process personal data collected during any sexual harassment complaint process in accordance with our Data Protection Policy. Data collected as part of any harassment, sexual harassment, or bullying complaint process is held securely and accessed by, and disclosed to, individuals only for the purposes of communication regarding the complaint. You should immediately report any inappropriate access or disclosure of person's data in accordance with our Data Protection Policy as this constitutes a data protection breach. It may also constitute a disciplinary offence, which will be handled in accordance with our disciplinary procedure.

APPENDIX

The behaviours that fall within the definition of sexual harassment are broad and far-reaching, so the examples listed in this appendix are not exhaustive, but are provided to give you an idea of unacceptable behaviours and conduct under the law.

This includes: -

- Making sexual comments and/or innuendos.
- Making sexual noises at someone, including 'wolf whistling' or 'cat calling'.
- Making sexual gestures or imitating a sexual act.
- Making suggestive expressions such as looking someone up and down, staring suggestively, winking, blowing kisses.
- Telling sexual jokes and stories.
- Making unwanted sexual advances or flirting.
- Displaying or sharing images of a sexual nature.
- Persistent requests for a date.
- Making sexual requests or asking for sexual favours.
- Giving inappropriate gifts.
- Intrusive questions or comments about someone's sex life, experience or fantasies.
- Sending emails or texts with sexual content .
- Discussing your own sex life.
- Treating someone less favourably for accepting or rejecting sexual advances

- Commenting on someone's appearance, what they're wearing or their body shape.
- Uninvited physical contact on any sort. This includes touching someone's body, hair, or clothing.
- Spreading rumours of a sexual nature about a colleague or volunteer.
- Intentionally standing too close to someone i.e. invading personal space.
- 'Up skirting' – taking a photo or video under another person's clothing.
- Stalking a colleague or volunteer
- Indecent exposure.
- Unwanted physical contact e.g. brushing up against someone, hugging, kissing, or massaging them.
- Attempted or actual sexual assault or rape.

Some of the above examples of sexual harassment are automatic criminal offences (under English and Welsh law), i.e. stalking, indecent exposure, up skirting and attempted or actual sexual assault or rape. Such incidents will therefore be treated as criminal offences and reported to the police.