

Sexual harassment in the workplace

Policy

1. Purpose of the policy

Burton and District Mind is committed to creating a safe, constructive working environment in which all Burton and District Mind team members are treated with dignity and respect. For this reason, we will not tolerate sexual harassment in the workplace. Burton and District Mind aim to create a culture of equality and respect between all team members.

To make sure this is understood throughout our organisation, we have created this policy for all our team members. The policy sets out:

- what we mean by sexual harassment
- how team members can report sexual harassment
- how Burton and District Mind will handle reports of harassment
- the actions Burton and District Mind can take against a team member who breaches this policy
- how Burton and District Mind will support those who experience sexual harassment

This policy is informed by-

- The Equality Act 2023
- Worker Protection Act 2023
- and amendment to the Equality Act 2010

2. Scope of the policy

This policy applies to all our team members including those who are self-employed associates and volunteers. It covers conduct:

- at work in any capacity
- whilst in any Burton and District Mind building
- whilst using Burton and District Mind's IT systems
- in any non-working situation where they are identifiable as an employee of Burton and District Mind or anyone who represents Burton and District Mind.

This policy covers actions:

- committed by a team member of Burton and District Mind during their employment or role
- experienced by any team member of Burton and District Mind during their employment or role
- committed in person and online

3. Roles and responsibilities

3.1. Senior managers and Trustees

Senior managers and Trustees have overall responsibility for this policy and will make sure:

- this policy is included in inductions
- this policy is regularly shared with all team members
- it is known that Burton and District Mind has a zero-tolerance approach to sexual harassment
- team members receive relevant sexual harassment information and/or training, and that this information is included in their induction

3.2. Line managers

Anyone who manages team member must also:

- support and encourage team members to tell them about any instances of sexual harassment
- foster a safe working environment
- understand how to handle reports of sexual harassment
- understand when conduct must be reported to the police provide team members who report sexual harassment with confidential support and advice

3.3. All staff and wider team members

Everyone in Burton and District Mind is responsible for implementing the policy. To make this happen, team members at all levels must:

- take responsibility for their own behaviour
- behave in line with Burton and District's values
- respect and support their peers

- report any sexual harassment they experience
- report any sexual harassment they witness

In addition, and to make sure the policy is still accurate and up to date, Lynne Barrell – Chief Officer will review it annually.

4. What is sexual harassment?

Sexual harassment is unwanted conduct of a sexual nature that has the purpose or effect of:

“Unwanted conduct of a sexual nature which has the purpose or effect of:

- Violating an individual’s dignity or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”

includes a wide range of behaviour. A non-exhaustive list of examples include:

- sexual comments or jokes
- sexist jokes
- displaying sexually graphic pictures
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return for sexual favors
- sexual gestures
- intrusive questions about a person’s sex life or discussing your own sex life
- sexual posts or contact on social media
- spreading sexual rumors about someone
- sending sexually explicit emails or texts
- unwelcome touching, hugging, massaging or kissing
- criminal behaviour, including sexual assault, stalking, indecent exposure and offensive communication

Harassment can be:

- A one-off incident
- Repeated behaviour
- Overheard
- Conduct outside the workplace

Sexual harassment

- Harassment can happen to people of any sex or sexual orientation

- Team members can be harassed by people of the same sex or another sex
- There is not always a power imbalance
- It does not matter whether that conduct is acceptable to others or is common in that place of work

When does conduct become unwanted?

Sexual interaction that is invited, mutual or consensual is not sexual harassment, because it is not unwanted

Sexual conduct that has been welcomed in the past can become unwanted

Victimisation (in the context of sexual harassment) is when someone is treated badly because:

- they complain about sexual harassment
- it's believed they will complain about sexual harassment
- they help someone report sexual harassment

Victimisation is also unlawful under the discrimination laws in UK.

5. Third party harassment

Burton and District Mind will take steps to protect team members from harassment from third parties by -

- Evaluating potential risks
- Considering steps that might prevent the risks
- Considering which steps are reasonable for the environment
- How effective steps might be
- How easily they can be implemented
- How to manage a situation if the third party is a service user

6. Training and guidance

Burton and District Mind will provide its team members with sexual harassment information and guidance which will cover:

- what sexual harassment is
- what types of behaviour class as sexual harassment
- what to do if team members experience or suspect sexual harassment
- how team members can raise a complaint and how it will be dealt with

- how to contribute to a positive workplace culture to help prevent sexual harassment

Line managers will also be trained on how they can contribute to a safe working environment.

7. Confidentiality

Every team member has the right to discuss or report sexual harassment confidentially.

In some cases, we might need to share information about the team member who made the complaint or during an internal hearing. Where this is the case, we'll consult with the team member beforehand and make sure this is done confidentially. We will always comply with any data protection responsibilities.

We will not tolerate the victimisation of team members who:

- make a report about sexual harassment in good faith
- contribute to an investigation

Those who victimise a team member for one of the above will face disciplinary action.

8. How we address allegations of sexual harassment

Those who experience sexual harassment should keep a record of the incident or incidents. This will help with investigations if the matter is formally reported, incidents can be handled through the Grievance policy and Procedure.

Incidents should be logged and include:

- the date and time incidents
- details of what happened
- details of any witnesses

8.1. Informal process

Someone who has experienced sexual harassment may feel comfortable trying to resolve the matter informally. They might want to:

- arrange an informal, confidential chat with their line manager and ask for advice and support
- speak to the person who carried out the sexual harassment and try to make them understand the effect their actions have had

- speak to the person who carried out the sexual harassment in the presence of a manager to try and make them understand the effect their actions have had
- ask a manager to speak to the person who carried out the sexual harassment

Burton and District Mind will fully support someone who wants to resolve the matter informally.

8.2. Formal process

In some circumstances the person who experiences sexual harassment may want to formally report the matter. This might include:

- raising their concerns using Burton and District Mind's grievance procedure. This can be found on our OneDrive Policy bank
- making a claim at an employment tribunal
- reporting the matter to the police

8.3. Legal action

In some instances, sexual harassment could be considered a criminal offence. Burton and District Mind will respect the decision of the person whether they wish to report it to the police or not. If the matter is reported to the police, Burton and District Mind will help them with the investigation where it can.

9. Investigation, record keeping and data protection

9.1. Investigating allegations

If an incident of sexual harassment is not resolved informally, Burton and District Mind will perform a confidential investigation into the allegations.

Burton and District Mind will:

- interview everyone involved
- consider the circumstances surrounding the allegations
- consider the reporting person's feelings and perception of the conduct
- establish if the conduct can be defined as sexual harassment

If allegations are upheld, Burton and District Mind will decide what action will be taken next. This could be disciplinary action in line with our Disciplinary Policy or

a report to the police. Once a decision on action has been made, Burton and District Mind will update the:

- reporting person
- victim (if they didn't make the initial complaint)

9.2. Record keeping and data protection

Burton and District Mind will keep a record of all reports of sexual harassment.

The information regarding the complaint will be kept on the HR files of those involved including:

- the victim
- the perpetrator
- relevant witnesses (where appropriate)

Information on a reported act of sexual harassment will be kept confidential and only discussed and shared with those:

- who need to know
- involved in the report

In some cases, Burton and District Mind might report the conduct and share information with the police even if the victim does not want to. We will take this type of action if an incident involves:

- a hate crime
- physical violence
- sexual assault

When we take this kind of action, we will always consult the victim of the abusive conduct before a report is made.

All information gathered, recorded and stored will comply with the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR).

Actions we will take against an employee who breaches our policy

If a team member breaches this policy, and we have sufficient evidence they've done so, they will face disciplinary action. We will take this action in line with our disciplinary procedure, which can be found within the Disciplinary Policy held in OneDrive policy bank.

Action will also be taken against those who make false allegations of sexual harassment or allegations in bad faith which they know not to be true.

If we consider an employed team member's behaviour to have breached this policy and be gross misconduct, this will usually result in dismissal without:

- warning
- a notice period
- payment in lieu of notice

10. If sexual harassment is committed by a third party

A team member might experience sexual harassment by a third party such as a client, or a third party connected to a service user, contractor or supplier. If this happens Burton and District Mind will take steps to prevent recurrence. This could include but is not limited to:

- making sure interactions between the victim and the perpetrator are supervised
- making sure the victim does not have to interact with the perpetrator
- formally reporting the incident to the perpetrator's manager
- formally reporting the incident to the police, where appropriate

More guidance on measures can be found in the Bullying and Harassment Policy

11. Monitoring after the complaint and investigation

Once an investigation into sexual harassment has been completed, Burton and District Mind will actively monitor the issue for an agreed period of time. This is to make sure:

- the reported behaviour has stopped if the perpetrator has not been dismissed
- no one is treated unfairly because they either made or supported a complaint

If there is a recurrence of sexual harassment following on from an incident already reported, Burton and District Mind will re-engage this policy.

12. Support for those who experience sexual harassment

Burton and District Mind is committed to making sure victims of sexual harassment:

- feel safe discussing what has happened to them
- are supported through the reporting process
- are supported after the report has been made

To do this Burton and District Mind will:

- make sure adjustments are made for the victim including time off for counselling or to take legal advice, if required
- ask the victim what Burton and District Mind can do to help them
- provide information on where they can find support outside of Burton and District Mind

Policy review 26/10/2025

Amended following ACAS training 01/11/24