

Sexual Harassment Policy

April 2025

Introduction

All members of staff are entitled to be treated with dignity and respect in our place of 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. We will not tolerate it.

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.

The Managing Director has overall responsibility for the operation of this policy but may, when necessary, delegate elements of implementation or decision making, including any investigations required, to the Director of Studies and /or a Board Member. Our managers will maintain an open door policy. All of our staff have a responsibility to behave in line with the requirements of this policy.

Instances of sexual harassment or victimisation may lead to disciplinary action against the alleged harasser, up to and including termination of employment.

This policy is reviewed regularly to ensure it remains up to date and in order to monitor its effectiveness. Any changes required will be implemented and communicated to our workforce.

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 Company, including any workplaces outside Head Office in Cardiff.

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 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 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:

- a) sexual comments or jokes, which may be referred to as 'banter'
- b) displaying sexually graphic pictures, posters or photos
- c) suggestive looks, staring or leering
- d) propositions and sexual advances
- e) making promises in return for sexual favours
- f) sexual gestures
- g) intrusive questions about a person's private or sex life or a person discussing their own sex life
- h) sexual posts or contact in online communications including on social media
- i) spreading sexual rumours about a person
- j) sending sexually explicit emails, text messages or messages via other social media
- k) unwelcome touching, hugging, massaging or kissing

Victimisation is 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:

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

Examples of victimisation may include:

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

Circumstances Which Are Covered

This policy covers behaviour which occurs in the following situations:

- a) a work situation
- b) 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
- c) outside of a work situation but involving a colleague or other person connected to the Company, including on social media
- d) against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

What To Do If You Are Subject To Sexual Harassment Or Victimisation

We are committed to ensuring that there is no sexual harassment or victimisation in our workplace. Allegations of sexual harassment and victimisation will be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance

with the principles of our disciplinary procedures, a copy of which is available from your line manager.

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 through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a colleague of your choice (whether or not that person is senior or has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the same person who will be responsible for investigating the matter, normally the Director of Studies, if it becomes a formal complaint.

If you experience sexual harassment and you feel comfortable to do so, you should make it clear to the harasser (if possible accompanied by your helper) on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

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

Formal complaint

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 Managing Director ideally as a formal written complaint, and again your confidential helper can assist you in this. If the complaint is reported to a manager, then that person must pass it to the Managing Director in confidence without undue delay.

If the complaint concerns the Managing Director then the complaint should be submitted to the Director of Studies and vice versa.

If possible, the complainant should keep notes of what happened so that the written complaint can include:

- a) the name of the alleged harasser;
- b) the nature of the alleged harassment;
- c) the dates and times when the alleged harassment occurred;
- d) the names of any witnesses; and
- e) any action already taken by you to stop the alleged harassment.

On receipt of a written formal complaint to the Managing Director, or to the Director of Studies if the complaint concerns the Managing Director, the complainant will be invited to attend a meeting, at a reasonable time and location, to discuss the matter confidentially. If the complaint involves the Managing Director then the meeting(s) will be conducted by a Board

member. The meeting will normally be held within five working days of receipt of your complaint. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice or a Trade Union representative, and you must take all reasonable steps to attend. Following this meeting we would then inform the alleged harasser of the complaint and depending on the circumstances and the seriousness of the complaint we will take action to separate you from the alleged harasser to enable an uninterrupted independent 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 has been resolved.

The Director of Studies will undertake any investigations required, unless it is inappropriate to do so, in which case a Board Member or an external person will be appointed as the investigator instead. The purpose of the investigation will be to establish the facts and all those involved in the investigation will be expected to act in confidence and any breach of confidence may be dealt with under the disciplinary procedure.

On conclusion of the investigation, which will normally be within ten working days of the meeting with you, the Director of Studies will complete a report of the findings of the investigation for the Managing Director, who will arrange to meet you to discuss the findings; you will also receive a copy of the report in confidence. At this meeting, or as soon as possible thereafter, the Managing Director will confirm the outcome of the process to you, which may involve disciplinary proceedings against the alleged harasser.

You have the right to appeal against the findings of the investigation and/or the outcome of the process. If you wish to appeal you must inform the Managing Director within five working days. You will then be invited to a further meeting which will involve the Managing Director and/or a Board member and/or an external person to hear the appeal.

Following the appeal meeting, you will be informed of the final decision, normally within ten working days, which will be confirmed in writing.

Regardless of the outcome of the procedure, we are committed to providing the support you may need. This may, if appropriate, include mediation between you and the other party or some other measure to manage the ongoing working relationship.

You will not be victimised for having brought a complaint.

Helpful contacts of supportive organisations can be found at the end of this document.

What To Do If You Witness Sexual Harassment Or Victimisation

If you witness sexual harassment or victimisation, you are encouraged to take ~~action~~ 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 reporting the incident yourself.

If reporting the incident, you should bring the matter to the attention of the Managing Director verbally or ideally in writing, who will sensitively talk to the person subject to sexual harassment to determine how they want the matter to be handled.

Third-Party Sexual Harassment

Third-party sexual harassment occurs when one 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. This includes our customers, suppliers, members of the public, and self-employed

contractors.

Third-party sexual harassment of our workforce is unlawful and will not be tolerated. The law requires employers to take steps to prevent sexual harassment by third parties.

The law does not provide a mechanism for individuals to bring a claim of third-party harassment alone. However, failure for an employer to take reasonable steps to prevent third-party sexual harassment may result in legal liability in other types of claim.

In order to prevent third-party sexual harassment from occurring on or off site, we will

- a) attach signage to the walls of the areas within the workplace where customers are present to warn that harassment of staff, visitors or students is not acceptable
 - b) conduct a risk assessment to identify measures to eliminate, avoid, or minimize the identified risk
 - c) Provide a copy of the policy
-
- a) inform third-parties i.e. suppliers of our zero-tolerance sexual harassment policy within our visitors sign in information card.

If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to the Managing Director.

Should a student sexually harass a member of our workforce, we will warn the student about their behaviour and ban the student if it is serious or repeated; any criminal acts will be reported to the police.

We will not tolerate sexual harassment by any member of our workforce against a third party. Instances of sexual harassment of this kind may lead to disciplinary action including termination of employment.

Disciplinary Action

If the decision is that the allegation of sexual harassment or victimisation is well founded, the harasser/victimiser will be liable to disciplinary action in accordance with our disciplinary procedure up to and including summary dismissal. An employee who receives a formal warning or who is dismissed for sexual harassment/victimisation may appeal by using our disciplinary appeal procedure.

When deciding on the level of disciplinary sanction to be applied, we will take into consideration any aggravating factors affecting the case. One example of aggravating factors is an abuse of power over a more junior colleague.

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.

Risk Assessment

In order to eliminate, avoid or minimize the risk of staff being subjected to sexual harassment we will undertake a general risk assessment of the workplace on an annual basis to highlight any risks and possible solutions. In addition, we will also undertake this prior to any single events that may carry a risk, such as travelling to and attending work related events such as conferences, or attending meetings with clients or agencies in the UK or overseas, or where there is a requirement for lone or remote working.

Training

We provide training to all our staff on sexual harassment to ensure there is a clear understanding of, amongst other things, what sexual harassment is and how it may occur, that it will not be tolerated, expected levels of behaviour, how they can report any incidents

of having been sexually harassed or having witnessed it and that acts of harassment will be dealt with under the disciplinary procedure potentially resulting in dismissal.

We ensure that all levels of management are trained on implementing this policy including preventing and managing sexual harassment in the workplace, and the procedure to follow if an allegation is reported.

We will regularly review the effectiveness of our training.

We provide refresher training and Induction training as appropriate.

Helpful Contacts

The contacts below are available for members of the workforce who wish to access advice, guidance, support, and information concerning harassment, bullying and victimisation. If a manager or colleague has concerns about another colleague who they believe may be suffering physical, psychological, sexual or financial abuse, then the individual can be referred to the following organisations that provide support:

- ACAS helpline – <http://www.acas.org.uk/index.aspx?articleid=2042> or tel 0300 123 1100.
- Equality & Human Rights Commission - <https://www.equalityhumanrights.com/en/contact-us>
- Live Fear Free - www.gov.wales/live-fear-free ,
info@livefearfreehelpline.wales, 0808 8010800 (This is also the contact number for Swansea Womens Aid)
- Womens Aid - <https://chat.womensaid.org.uk>
- Men's Advice Line – <https://mensadviceline.org.uk>,
info@mensadviceline.org.uk, 0808 8010327

The following site provides a lot of information and guidance about types of domestic abuse, how to recognise them, and how to get help and support;

- www.gov.uk/guidance/domestic-abuse-how-to-get-help#get-help-and-support