

Our Policy on:

# Dignity & Respect at Work – Sexual Harassment



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# 1. Overview

## Purpose of the Policy

At NHS Property Services (NHSPS) we expect everyone to be treated with respect and dignity in line with our culture and values. We're committed to providing a safe working environment that is free from bullying, discrimination, harassment, sexual harassment, and victimisation.

This policy is designed to help you understand your responsibilities and where to go for support. We have a clear procedure to make sure that any complaints of sexual harassment are always dealt with in an appropriate way, but also steps in place to prevent sexual harassment occurring.

This policy applies to all colleagues, customers, patients, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns.

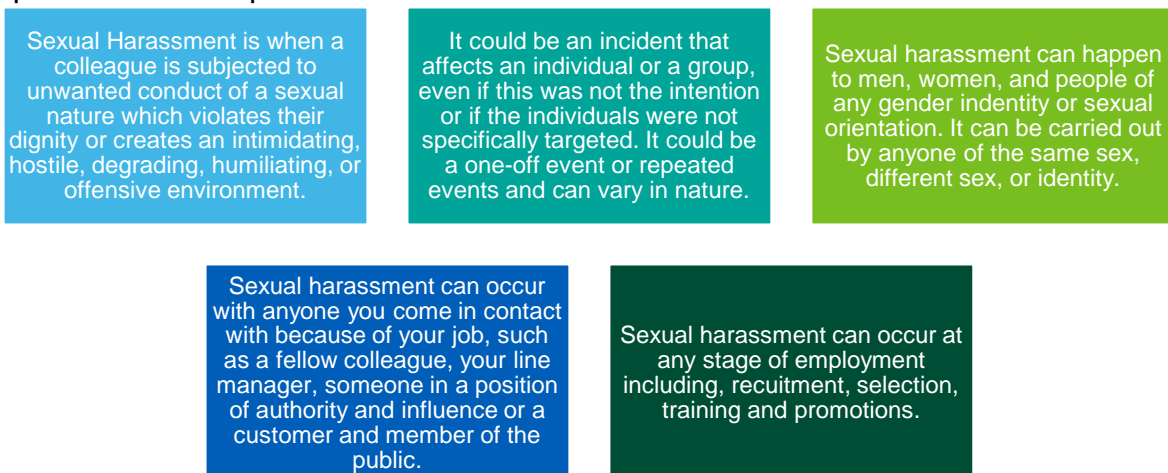
We will provide all our colleagues and managers with training on this policy, ensuring they understand their duties and responsibilities.



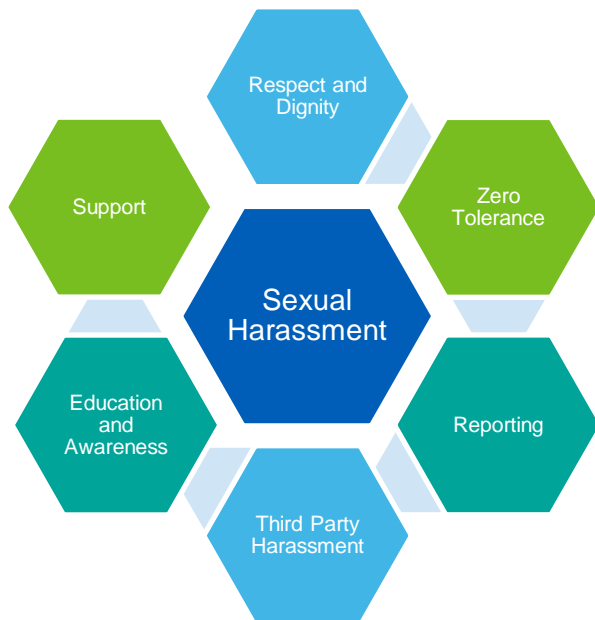
# 2. What is Sexual Harassment?

Sexual harassment can include treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex in the past.

A person may feel sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images on a colleague's computer in the workplace.



### 3. Principles Led Approach to Preventing Sexual Harassment



#### 3.1. Respect and Dignity

Our **Equality and Diversity Policy** outlines our approach to promoting a fair and equal place of work, where inclusion is our priority, colleagues love to come to work and can fulfil their full potential. We believe everyone should be treated fairly, with dignity and respect no matter who they are.

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**We will not tolerate bullying, harassment, sexual harassment, victimisation or any other unlawful treatment towards any individuals or groups which has a negative impact on the way they feel at work.**

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For more information please see our Policy Guide on: [Discrimination Bullying Harassment Sexual Harassment and Victimisation V3 09.07.2024](#). This policy guide provides more detail on what we mean by these behaviours and what is not acceptable.

#### 3.2. Zero Tolerance

NSHPS takes a zero-tolerance approach to sexual harassment. These behaviours are unlawful and will be dealt with under our disciplinary and appeals policy [Disciplinary and Appeal Policy Aug2024](#) and could lead to sanctions up to and including dismissal.

All complaints related to sexual harassment are especially serious and should always be investigated using our Fair Treatment approach ([Fair Treatment Policy V1 09.07.2024](#)) and logged with Colleague Relations Direct.

However, remember that in the interests of fairness and natural justice, alleged perpetrators will also be treated fairly throughout an investigation.

#### 3.3. Reporting

Any issues, allegations or concerns relating to sexual harassment will be dealt with in a timely and sensitive manner.

#### 3.4. Third Party Harassment

At NHSPS we do not tolerate harassment and sexual harassment from third parties towards any of our colleagues. This is where individual(s) involved have a legitimate relationship to the business – whether they are a patient, visitor, customer, supplier or third party whom you encounter as part of your role. We have risk assessments in place to help

prevent any harassment from our third parties.

In addition, we will take the following steps to prevent harassment by third parties:

- make it clear to our customers, clients, suppliers and others who work with us that sexual harassment of our colleagues is unacceptable.
- provide regular training for managers and colleagues to raise awareness of rights related to sexual harassment and of this policy.
- provide specific training for managers to support them in dealing with complaints.
- take steps to minimise occasions where colleagues work alone.
- where possible, ensure that lone workers have additional support.

If you have been affected or witnessed any inappropriate actions/behaviours from any of our third parties, please report this so we can take the appropriate action to prevent this, such as warn the client, customer or supplier about their behaviour, ban them from our premises, report any alleged criminal acts to the police, and share information with other areas of the business.

### 3.5 Victimisation

Victimisation occurs when you believe that you are being treated less favourably as a result of being involved in a discrimination or harassment complaint.

The law protects individuals who have made the complaint in good faith. i.e. not acting maliciously or with intent to harm. If

you feel you are being victimised, please speak to a line manager or Business Partner.

### 3.6 Education and Awareness

We all have a part to play and are responsible for preventing sexual harassment occurring. As part of our commitment to safeguard all our colleagues and prevent sexual harassment we ask all colleagues to complete their mandatory training on Sexual Harassment each year, as a proactive step towards creating a safe environment.

We also have clear guidance and education on our zero-tolerance approach and to sexual harassment through the following policies:

- **Policy Guide to Discrimination, Bullying, Harassment, Sexual Harassment and Victimisation.**
- **Fair Treatment Policy**
- **Disciplinary and Appeals Policy**
- **Social Media Policy**

### 3.7 Support

Reporting sexual harassment takes courage and can be extremely stressful for all concerned. For those individuals raising the concern or complaint, support is available from your line manager, the People Business Partner and Colleague Relations Team. They can provide wellbeing support such as the Colleague Assistance Programme, or signpost to other support networks outlined within this guide. Thus, Occupational health (OH) can also be used to assess someone's support needs, such as counselling.



## 4. NHSPS Rules on Sexual Harassment

We have a zero tolerance towards sexual harassment at NHSPS. Any behaviour of sexual harassment or victimisation will be fully investigated in line with our disciplinary policy.

Sexual harassment or victimisation may lead to disciplinary action up to and including dismissal if they are committed:

- in a work situation.
  - during any situation related to work, such as a social event with colleagues.
  - against a colleague or other person connected to NHSPS outside of work situation, including social media; or
  - against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.
- Sexual images displayed or shared.
  - Offensive words or comments or references to someone's physical appearance.
  - Demeaning or humiliating behaviour or language.
  - Intrusive questions about someone's private life.
  - Comments on appearance, wolf whistling, continuously asking someone out after work, following a colleague around.
  - Stalking, including online stalking.
  - Sexual gestures, such as simulating sexual acts & unwanted sexual attention
  - Unwanted touching, such as putting a hand on someone's knee or hugging them.
  - Coercing someone into sexual relations through pressure, manipulation, or threats, or offering rewards in exchange for sex.
  - Sexual violence, including rape, or threatening to carry out sexual violence or unwanted sexual acts.

Aggravating factors, such as abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary action to take.

## 5. Sexual Harassment Behaviour

There are a range of behaviours that would be perceived or recognised to be forms of sexual harassment.

It is important to bear in mind and acknowledge that sexual harassment covers a broad range of behaviours, and although at first glance these may not always appear to be overtly sexual in nature, they can include but are not limited to:

Sexual harassment does not always occur in plain sight. It can happen in-person or indirectly (e.g. via text message, email or social media), and outside of work as well as during working hours.

Regardless of when and how it occurs, any sexual harassment involving our colleagues in a work-related situation will be considered a workplace issue and will not be tolerated. This includes sexual harassment of our colleagues by any third party with whom they come into contact in the course of their work such as customers, clients or suppliers.

## 5.1 Myth Buster

Behaviour can amount to sexual harassment even if:

- The alleged harasser didn't mean to cause offence.
- The complainant hasn't made it clear they find the conduct unacceptable.
- The conduct is a single comment.
- The behaviour was considered a compliment by the alleged harasser.
- The conduct is directed at someone who is the same gender as the alleged harasser.
- The conduct takes place outside of work.

## 5.2 Criminal Behaviour?

Some acts of sexual harassment may also constitute a criminal offence. Colleague Relations can provide guidance on Police involvement where appropriate.

## 5.3 Where can Sexual Harassment Occur?

Sexual harassment doesn't just take place in the workplace itself. It could take place outside the workplace and/or outside of working hours at work-related events. For example, sexual harassment which takes place at a work party may amount to sexual harassment.

Sexual harassment may even occur virtually (such as over Microsoft Teams, Skype, Email, Text). Our duty extends to all work-related situations and environments.

# 6. Your Responsibilities

At NHSPS we are all responsible for creating an environment that is free from bullying, discrimination, harassment, and victimisation. We expect everyone to live by our values and treat everyone with respect.



### Important to Remember

We all have our part to play in ensuring colleagues are treated fairly. This means we should stand up to behaviour which we believe is unacceptable. Our eLearning will help you to understand the steps you can take including highlighting these concerns to an appropriate manager and or to Colleague Relations team.

Our responsibilities as a colleague and manager are outlined below. For more detail please see our Policy Guide to: [Discrimination Bullying Harassment Sexual Harassment and Victimisation V3 09.07.2024.](#)

## 6.1. Colleague Responsibilities.

We all need to take responsibility to think about our behaviour to ensure it doesn't unintentionally cause offence or embarrassment to others. We should always behave in a way that is fair and respectful to all colleagues. Remember:

- If you see or hear this type of behaviour and feel unable to speak to the colleague yourself, please raise this issue to a line manager or a member of the People Team in line with our Fair Treatment Policy.
- Don't get involved in inappropriate banter.

- If you do see or hear inappropriate banter, please raise this with the colleague and report this so the appropriate corrective action can be taken.
- Take time to review the relevant policies available on the Intranet listed within this guide and discuss with your line manager if you are unsure of anything.
- Complete all your mandatory training.

- Ensure issues are dealt with in timely, sensitive and confidential manner.
- Ensure all issues raised to you are dealt with using our Fair Treatment and/or Disciplinary and Appeals Policy, supported by the Colleague Relations Team. CR Direct can be contacted via 0808 196 1446 (option 2)

## 6.2 Line Manager Responsibilities

- Role model inclusive behaviour and lead by example.
- Ensure your behaviour doesn't unintentionally cause offence or embarrassment to others.
- Be respectful to all.
- Remove the opportunity for offensive, inappropriate or unwanted behaviour being excused as banter or jokes.
- Don't get involved in inappropriate banter, stop it immediately and follow correct the corrective action.
- Keep talking to colleagues about our values, policies and taking appropriate action where behaviour is not in line with these.
- Complete all your mandatory training.
- Ensure your colleagues have completed their own training.
- Proactively seek out any issues nipping them in the bud with early intervention.
- Ensure all your colleagues are aware of yours and NSHPS zero tolerance to sexual harassment.

## 7. Review and Monitoring

We have a zero tolerance towards sexual harassment at NHSPS. Any behaviour of type will be fully investigated in line with our disciplinary policy sanctions up to and including dismissal may be imposed here appropriate.

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**All complaints related to sexual harassment are especially serious and should always be investigated**

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As a result, we are committed to ongoing monitoring of all behaviour of this type and have in place strong procedures to manage this.

Risk assessments are in place to allow us to continue to monitor and review our approach to the prevention of sexual harassment.

All reports and situations will provide us with the opportunity to learn from and strengthen our approach. We take our duty to prevent sexual harassment very seriously and believe in embedding an inclusive, respectful, and safe working environment.



We will continue to review, monitor and all incidents sexual harassment cases and take appropriate action in a confidential manner.

### 7.1. Regular Review of Policies and Training Materials

This policy and other related policies and training related to the prevention of sexual harassment will be reviewed at regular intervals and updated accordingly.

## 8. Reporting Procedure

If you feel that you or another colleague have been affected by sexual harassment, it's important you report it. You can report a case of sexual harassment either verbally to a line manager or a member of the People / Colleague Relations Team. You can also raise a complaint under our ([Fair Treatment Policy V1 09.07.2024](#)) to Colleague Relations Direct by using the Microsoft Form (see the link and QR Code at the bottom of the page). Alternatively, you have the option to anonymously contact the whistleblowing helpline [Whistleblowing Policy V1.2](#)

We want to encourage everyone to raise issues that are concerning. You won't get into trouble for doing this or for being a witness for someone who has raised a complaint. We take it very seriously if someone victimises a colleague for complaining or being a companion to a witness and we may take disciplinary action against them.

We recognise it takes strength and bravery to report an incident of sexual harassment and there is a wide range of support tools and resources available as a result.

If you are in any doubt as to whether an incident or series of incidents that have occurred could constitute harassment, then in the first instance you should approach a member of Colleague Relations or speak to your People Business Partner on an informal confidential basis.

### 8.1 Informal Stage

An informal approach may involve:

- Having a quiet word (in private) with the person who has been complained about. It may involve a number of conversations with both colleagues to agree a way forward.
- Arranging a meeting with everyone involved, if they all agree. We will work towards resolving the issue in a way everyone can accept and keep notes of agreed actions.
- Using facilitated conversations or mediation, this involves an independent, impartial person helping both sides to try to find a solution.
- If the complaint cannot be resolved informally, we or you may decide to deal with it formally.

### 8.2 Formal Stage

You are advised to make a formal complaint where serious harassment or bullying occurs, or informal methods fail or are not appropriate. Unless there are exceptional circumstances that make it impracticable to do so, a formal complaint should be made in writing to Colleague Relations Direct using the Microsoft form,

this can be found at the bottom of this policy.

To enable us to deal with your complaint properly, your written complaint should set out full details of the behaviour in question, including the name of the perpetrator, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken to attempt to stop it occurring.

When we are considering a complaint of sexual harassment, we will seek to do so in a way that is fair and sensitive to the person who made the complaint, anyone who witnessed it and anyone accused of harassment.

## 9. Investigation

We will talk to the person who made the complaint to find out more about the issue and how they would like it handled. We will try to take what they would prefer into account and agree our approach together.

We will keep an open mind when dealing with a complaint, we will avoid making assumptions and look into any complaint thoroughly and fairly, keeping in mind any sensitivities that may make it hard for a colleague to speak up about harassment.

We will seek to offer support to those who experience or witness harassment, and those accused of harassment.

We will appoint someone to investigate the complaint who is neutral, not involved in the complaint, will keep an open mind and carry out a fair investigation.

If it is necessary to separate the colleagues involved while we handle the complaint, we will seek to do so fairly.

Where the allegations are serious, we may suspend the alleged perpetrator on full pay while the complaint is being investigated. A decision to suspend the alleged perpetrator is not considered a disciplinary action, nor does it imply that any decision has been taken about the case.

If you are the complainant, you will be interviewed by the investigator to establish full details of what happened. You may choose to be accompanied to this meeting by a fellow colleague or union representative. The investigator will then carry out a thorough, independent, impartial and objective investigation. An investigation will be carried out as quickly as possible, sensitively and with due respect for the rights of the person bringing the complaint and the alleged perpetrator.

Where a complaint is about someone other than a fellow colleague, such as a customer, supplier, patient or other third party, we will consider what action may be appropriate to protect the complainant (and anyone else involved) pending the outcome of the investigation, bearing in mind the needs of our business and the rights of the third party. We will try to discuss the matter with the third party or their employer where appropriate.

The investigation will involve interviews with the person against whom the complaint is made and any other relevant witnesses. The alleged perpetrator will be

given the full details of the nature of the complaint and will be given the opportunity to respond. The investigation may also need to examine relevant documents, including emails and other evidence.

Strict confidentiality will be maintained throughout the investigation into the allegation. The importance of confidentiality will be emphasised to the colleagues involved, including any witnesses.

When the investigation has been completed, the complainant and the alleged perpetrator will be informed whether or not the allegation is considered to be well-founded.

If the allegation is well-founded, disciplinary action may be taken against the person alleged to have committed the behaviour complained about and, depending on the circumstances and the seriousness of the complaint, may result in the dismissal of that individual with or without notice.

We take these matters very seriously. However, malicious or false complaints of harassment can have a serious and detrimental effect upon a colleague and the workplace generally. Any unwarranted allegation of harassment made in bad faith may be dealt with via our Disciplinary and Appeals Policy. We are sure that all colleagues appreciate that this is necessary to protect the integrity of this policy.

## 10. External Resources and Support Available

### 10.1 Colleague Assistance Programme

Our Colleague Assistance Programme (CAP) is a wellbeing support service available that offers independent, confidential support, information and counselling. Call free 24/7 support on 0800 0151630 or use the online platform: <https://www.eapcarefirst.com>  
Username: lifestyle1234  
Password: CareFirst

### 10.2 Occupational Health.

Occupational Health (OH) support is a service available to all NHSPS colleagues whose personal circumstances may be impacting their ability to carry out their work.

### 10.3 Rape Crisis England and Wales.

Is an organisation that promotes the needs and rights of women and girls who have experienced sexual violence, to improve services to and to work towards the elimination of sexual violence.  
<https://rapecrisis.org.uk>

### 10.4 Samaritans

Is a charity who can provide emotional support to individuals who are struggling to cope or need someone to listen to them. <https://www.samaritans.org>

## 10.5 Victim Support

Is an independent charity that provides free confidential and tailored support to victims of crimes, regardless of whether the crime has been reported or how long ago it happened.

<https://www.victimsupport.org.uk/>

## 10.6 Law works

Is a charity working in England and Wales to connect volunteer lawyers with people in need of legal advice, who are not eligible for legal aid and cannot afford to pay. It enables people to search for free advice in their local area.

<https://www.lawworks.org.uk/legal-advice-individuals>

## 10.7 Rights of Women

Offer a **free** Sexual Harassment advice line for women experiencing sexual harassment at work, run by the charity Rights of Women.

Telephone: [020 7490 0152](tel:02074900152)

## 10.8 Galop

If you are LGBT and experiencing abuse, hate crime or sexual violence you can contact Galop directly. National Helpline for LGBT+ Victims and Survivors of Abuse and Violence [0800 999 5428](tel:08009995428)

[help@galop.org.uk](mailto:help@galop.org.uk)

## 11. Other Relevant Policies

Annual Leave and Special Leave Policy	This will provide you with a better understanding of the holiday entitlements, medical appointments, parental leave and much more. <a href="#">Annual Leave and Special Leave Policy 09.07.2024</a>
Whistleblowing	The policy provides information on how to proceed if you suspect activities of fraud, misconduct, or wrongdoing. How to raise your concerns and how there will be dealt with. <a href="#">Whistleblowing Policy V1.2</a>
Fair Treatment	We understand that there will be times when you need to adjust your working arrangement to fit in with your personal responsibilities. We will do all we can to help you. This policy talks through the process and provides information on what you need to do if you want us to consider a flexible working request. <a href="#">Fair Treatment Policy V1 09.07.2024</a>
Disciplinary & Appeals	Our policy is designed to correct issues while maintaining a respectful and fair working environment for everyone. This policy outlines our approach ensuring fairness and transparency. <a href="#">Disciplinary and Appeal Policy Aug2024</a>
Equality & Diversity Policy	Our commitment to recruiting, retaining and developing diverse and inclusive colleagues and eliminating unlawful discrimination. <a href="#">Equality and Diversity Policy V1.1 09.07.2024</a>
Guide to Discrimination, Bullying, harassment, sexual harassment & victimisation	Information to help you to understand your responsibilities and where to go to for support relating to matters of discrimination, bullying, harassment, sexual harassment, and victimisation. <a href="#">Discrimination Bullying Harassment Sexual Harassment and Victimisation V2 09.07.2024</a>
Workplace Adjustments Policy	This policy covers the additional support we can offer you and offers guidance on the process to follow when having a great conversation about implementing workplace adjustments and adaptations on a temporary or permanent basis. <a href="#">Workplace Adjustments Policy 09.07.2024</a>