South Hampshire College Group

PREVENTION OF SEXUAL HARASSMENT POLICY

Audience:	STAFF
Requirement:	ADDITIONAL
Policy Owner:	Chief People Officer
Review Delegation:	Corporation
Review Cycle:	Every two years
Last Review:	March 2025
Due for Review:	March 2027

SOUTH HAMPSHIRE COLLEGE GROUP
PREVENTION OF SEXUAL HARASSMENT POLICY

1.0 Statement of Principles

1.1 The South Hampshire College Group (SHCG) is committed to workplace that is free from sexual harassment and commits to a zero-tolerance threshold for matters pertaining to sexual harassment. We recognise that sexual harassment can occur in both inside and outside of the workplace (for example at work related events or social functions or on social media).

1.2 Sexual harassment is defined as unwanted behaviour or comments of a sexual nature which have violated the individual's dignity or created an intimidating, hostile, degrading, humiliating or offensive environment. The law requires employers to take reasonable steps to prevent sexual harassment of staff during the course of their employment.

1.3 It should be noted that sexual harassment can be deemed as such even if the effects mentioned above were not intended.

2.0 Scope and Legislation

2.1 This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, apprentices, volunteers and interns. Our obligations and your duties under this policy also extend to job applicants.

2.2 In accordance with the Worker Protection (Amendment of Equality Act 2010) 2023 effective from 26th October 2024, SHCG has a duty to take all reasonable steps to prevent sexual harassment in the workplace.

2.3 SHCGs commitment as outlined in this policy includes education for all employees and l eaders, clear procedures for reporting any incidents, commitment to confidentiality and appropriate supports and disciplinary actions where required.

2.4 This policy should be read in conjunction with the SHCG Grievance Policy.

2.5 This policy does not form part of any contract of employment or contract to provide services, and we may amend it at any time subject to consultation with our industrial bodies.

3.0 Details

3.1 Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to sexual harassment.

It can include but is not limited to:

- Unwelcome sexual advances including continued suggestions for sexual activity once it has been made clear that such suggestions are unwelcome.
- Inappropriate touching or physical contact

- Sending sexually explicit images or messages
- Displaying or sharing sexually explicit materials
- Sexual jokes or comments or suggestive behaviour (which the instigator may view as harmless)

3.2 Sexual harassment is unlawful and will not be tolerated. They 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 at a social event with colleagues.
- Against a colleague or other person connected to us outside of a work situation, including on social media.
- Against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.

3.3 We will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.

4.0 Third Party Sexual Harassment

4.1 Third-party harassment occurs where a person is harassed or sexually harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, unwelcome sexual advances from a client, customer or supplier visiting the employer's premises, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment.

4.2 Third-party sexual harassment can result in legal liability and will not be tolerated. The law requires employers to take reasonable steps to prevent sexual harassment by third parties. Although a member of staff cannot bring a claim for third-party harassment alone, it can still result in legal liability for an employer when raised in other types of claims. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.

4.3 Any sexual harassment by a member of staff against a third party may lead to disciplinary action up to and including dismissal.

4.4 If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include warning the harasser about their behaviour, banning them from our premises, reporting any criminal acts to police.

4.5 SHCG commits to the following preventative actions with respect to potential Sexual Harassment by third parties (this may include contractors, customers/employers and agency staff members):

- Undertake divisional sexual harassment risk assessments to identify areas where employees may be at risk of sexual harassment and put in place control measures

- Communication of SHCG zero tolerance threshold for any form of sexual harassment
- A statement of intent in procurement and tender information

5.0 If you witness sexual harassment or victimisation

5.1 Staff who witness sexual harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

- Intervening where you feel able to do so.
- Supporting the victim to report it or reporting it on their behalf.
- Reporting the incident where you feel there may be a continuing risk if you do not report it.
- Co-operating in any investigation into the incident.
- All witnesses will be provided with appropriate support and will be protected from victimisation.

6.0 Process for reporting sexual harassment concerns

6.1 If you are being sexually harassed: informal steps. If you are being sexually harassed, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult, you should speak to your line manager or a member of the People and Culture team who can provide confidential advice and assistance in resolving the issue formally or informally. If you feel unable to speak to your line manager because the complaint concerns them, you should speak informally to the People and Culture team. If this does not resolve the issue, you should follow the formal procedure below.

6.2 If you are not certain whether an incident or series of incidents amounts to sexual harassment, you should initially contact your line manager or a member of the People and Culture team informally for confidential advice.

6.3 If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out in the SHCG Staff Grievance policy.

7.0 Raising a formal complaint (please note this aligns with the SHCG Grievance Policy)

7.1 If you wish to make a formal complaint about sexual harassment, you should submit a formal grievance in writing. You should state the details of the grievance and what resolution(s) you are seeking, giving as much information as possible to help facilitate a thorough investigation and resolution. In your written grievance you should outline, the name of the perceived harasser, the nature of the sexual harassment, any times/dates/location information, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring. The individual receiving the formal grievance must notify the People and Culture team as soon as is practicable.

7.2 The individual who has received the formal grievance will work with the People and Culture team to identify an investigator who can review the concerns raised. You will be notified as to who is completing this work. The investigator must be entirely impartial and not be involved with the grievance issue.

7.3 The individual carrying out the investigation at the formal stage will attempt to resolve the complaint. They will carry out a reasonable enquiry into the grievance and discuss it with you at an investigatory meeting. You will be asked outline any key witnesses that should be spoken to as part of any investigation. You have the right to be accompanied by a colleague or trade union official who must respect the confidentiality of the discussion.

7.4 The individual carrying out the investigation will, if necessary, meet with other employees or witnesses identified in the grievance, or seek written statements from those individuals regarding the issues under consideration. Non-verbatim notes will be taken for all meetings held as part of the investigation process. Any witnesses will be provided with appropriate support and will be protected from victimisation.

7.5 Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. We will also consider what additional action may be appropriate to protect you and other staff pending the outcome of the investigation. The investigator will also meet with the alleged harasser [who may also be accompanied by a colleague or trade union representative of their choice] to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

7.6 Where your complaint is about someone other than an employee, such as a customer, supplier or visitor, we will consider what action may be appropriate to protect you and other staff pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

7.7 The decision of the individual carrying out the investigation will be communicated to you in writing, normally within 10 working days depending upon the complexity of the grievance. This outcome will provide information about the process undertaken and how the individual reached their decision. Should there be a delay in this process, you will be notified and given a revised outcome date. You may not be made privy to any actions taken against the perceived harasser. This letter will also provide you with information regarding the appeal process.

7.8 Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation or counselling, or to change the duties, working location or reporting lines of one or both parties.

8.0 Appeals

8.1 Where you are not satisfied with the outcome of the formal procedure, you can submit an appeal within ten working days of receipt of the written decision. This should be provided to People and Culture team. The appeal letter must clearly state the grounds on which you are appealing.

8.2 You will be invited to attend a meeting normally within 10 working days of receipt of the appeal letter. This meeting will be with a member of the Senior Leadership Team (depending on your reporting line and who has previously investigated the matter) to discuss the grievance and any further evidence you wish to table to support your grievance and/or the

procedural reasons you believe the original decision was incorrect. You will be reminded of your right to be accompanied by work colleague or trade union representative of their choice.

8.3 The records of previous meetings and correspondence related to the grievance will be examined as part of the appeal process, together with the original evidence collected. Where the member of SLT decides that further investigation is required, you will be notified of this and the likely timescale in writing as soon as practicable. You will be notified in writing of the outcome of the appeal, normally within ten working days of the grievance appeal hearing.

8.4 A copy of the notes of all meetings, statements and other material gathered during any investigation, together with a copy of the letter notifying you of the outcome will be retained on your personal file for as long as is reasonably necessary. The decision of the appeal hearing is final.

9.0 Summary

The Prevention of Sexual Harassment policy is designed to ensure all employee can work in a workplace that is free from sexual harassment, where any issues pertaining to this matter can be raised confidently and with a clear process for resolution.