

Quality Procedures and Policies	HS-013	Issue Number	2
		Issue Date	April 2026
Sexual Harassment in the Workplace		Originator	Peter Hurlstone
		Amended by	Peter Hurlstone
		Approved by	Peter Hurlstone

### 1. Scope

The aim of this policy is to prevent sexual harassment in the workplace, which includes staff, contractors, customers, suppliers, learners, members of the public and visitors; it also explains how such incidents are dealt with.

Sexual harassment has a negative impact on the health, confidence, morale and performance of those affected by it, including anyone who witnesses or has knowledge of unwanted or unacceptable behaviour. Sexual harassment at SETA in any form is unacceptable behaviour and will not be tolerated; it is an unlawful act. It will be viewed as a gross misconduct offence which may result in staff dismissal, apprentice withdrawal or removal from site and SETA’s services of external contractors, other customers, visitors and third parties, immediately without notice. In the case of staff allegations, aggravating factors, such as abuse of power over a more junior colleague, for example, will be considered in deciding what disciplinary action to take.

This policy covers all areas of the business, including when staff visit sites both in the United Kingdom and overseas to conduct business, subject to any applicable local laws.

### 2. Legislation

On 26<sup>th</sup> October 2024, the HM Government released the ‘Worker Protection (Amendment of Equality Act 2010) Act’. The act introduced a new legal duty on SETA as an employer, to take reasonable steps to prevent sexual harassment of their workers; this is known as the ‘Preventative Duty’. Previously there was no proactive legal obligation on employers to take steps to prevent sexual harassment at work. SETA extends this to its customers, visitors and third parties due to the nature of its business.

The act also includes the ability for compensation in sexual harassment claims to be increased. If an employment tribunal finds a worker has been sexually harassed, it must consider whether the preventative duty has been met. If not, the employer can be ordered to pay an additional 25% (maximum) compensation.

Baroness Kishwer Falkner, Chairwoman of the Equality and Human Rights Commission, said: *‘Sexual harassment continues to be widespread and often under-reported. Everyone has a right to feel safe and supported at work. The new preventative duty coming into force on 26<sup>th</sup> October 2024 aims to improve workplace cultures by requiring employers to proactively protect their workers from sexual harassment. Employers will need to take reasonable steps to safeguard their workers. We have updated our guidance to ensure they understand their obligations and the kinds of steps they can take. We will be monitoring compliance with the new duty and will not hesitate to take enforcement action where necessary’.*

SETA has a positive legal duty to take reasonable steps to prevent sexual harassment of their workers and others connected to SETA under this act; SETA subscribes to this act and fully supports Baroness Kishwer Falkner's statement.

SETA understands that if it fails to take reasonable steps, enforcement action may be taken against us.

### **3. Definition**

#### Sexual Harassment

Sexual harassment is unwanted behaviour of a sexual nature and could be a one-off incident or an ongoing pattern. It can happen in person or in other ways, for example online through things like email, social media or messaging tools.

Sexual harassment includes the following communication:

- **Verbal** such as inappropriate comments and questions made in-person or digitally
- **Non-verbal** such as staring at someone's body or displaying explicit images
- **Physical** which includes any kind of unwelcome touching

Such examples include:

- *Flirting, gesturing or making sexual remarks about someone's body, clothing or appearance*
- *Asking questions about someone's sex life*
- *Telling sexually offensive jokes*
- *Making sexual comments or jokes about someone's sexual orientation or gender reassignment*
- *Displaying or sharing pornographic or sexual images, or other sexual content including e-mails, text messages, video clips, photographs, posters, emblems/symbols or any other offensive material*
- *Unwelcome sexual behaviour, including unwanted suggestions, propositions or advances*
- *Coercion, including pressure for sexual favors*
- *Inappropriate personal contact, including intrusion by pestering or spying*
- *Up-skirting. The Voyeurism (Offences) Act, which is commonly known as the Upskirting Act, came into force on 12 April 2019. 'Upskirting' is where someone takes a picture under a person's clothing (not necessarily a skirt) without their permission and or knowledge, with the intention of viewing their genitals or buttocks (with or without underwear) to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is a criminal offence. Anyone of any gender can be a victim*

It should be noted that it is the impact of behaviour that is relevant and not solely the motive or intent behind it.

#### Consent

Consent is about having the freedom and capacity to choose; saying yes when being pressured, coerced, or threatened is not consent. Consent to sexual activity may be given to one sort of sexual activity but not another; it is illegal to perform a forced act upon a person.

#### Complainant

The individual that makes an allegation or report of sexual harassment; this can be the victim, or someone speaking on their behalf.

### Harasser

The individual who engages in sexual harassment toward the complainant or victim.

### Staff-on-Staff

A situation where one or more staff members are allegedly harassing another one or more members of staff.

## **4. Rights of an Individual**

All individuals have the right to work in an environment which is free from any form of sexual harassment, and SETA recognises the right to complain should such incidents occur. All complaints will be dealt with seriously, promptly and confidentially.

SETA encourages all individuals to report sexual harassment concerns.

Every effort will be made to ensure that, when a complaint is made, the complainant will be protected from further acts of harassment. If others also give evidence or information in connection with the complaint, they equally will be protected. Perpetrators of these acts will be subject to disciplinary action which may warrant dismissal.

## **5. Responsibilities of an Individual**

All individuals have a responsibility to help ensure a working environment in which everyone's dignity is respected. Everyone must comply with this policy and ensure that their behaviour to others does not cause offence and could not in any way be considered sexual harassment.

All individuals should discourage sexual harassment by making it clear that such behaviour is unacceptable. Individuals who suffer such treatment and are considering making a complaint will also be supported. Any individual suffering at the hands of sexual harassment should report it immediately as highlighted in **Section 6** of this policy, to enable SETA to deal with the matter promptly and effectively.

SETA will ensure that adequate resources are made available to promote respect and dignity in the workplace, and to deal effectively with complaints of sexual harassment. This policy and procedure will be communicated effectively to all, and SETA will ensure that everyone is aware of their responsibilities. Appropriate training or re-training where necessary will be provided.

## **6. Procedures**

If a complaint is made, it will be handled fairly, confidentially, and respectfully for everyone involved. There are two types of complaint that can be raised: **Informal** and **Formal**. An **informal** complaint means SETA will address the issue and try and resolve it between all parties involved without escalating it into a formal complaint. A complaint like this may be verbal, or written, but the complainant has decided it is an informal complaint. Sometimes, however, an individual may choose to make a **formal** complaint, particularly if the allegations are severe, or if they have already made an informal complaint, but are not happy with the outcome.

### Reporting

SETA encourages individuals to report sexual harassment, ideally to the Designated Safeguard Lead (DSL) and/or the Deputy Designated Safeguard Lead (DDSL) in the first instance, but any member of the

Safeguarding team or Management team can be reported to. Once reported, the Safeguarding Officer or Manager must report to the DSL and/or DDSL immediately so they can lead the case.

If the sexual harassment is staff-on-staff, the complainant may wish to report straight to HR, who will deal with the complaint with the added support of SETA's DSL and/or DDSL, should it be required.

If the complaint involves a member of staff, the DSL and/or DDSL will inform HR for further support.

Contractors, customers, suppliers, members of the public and visitors who are unfamiliar with the Safeguarding team should report to their host or the Staff member responsible for their visit, who will in turn contact a member of the Safeguarding team, the DSL and/or DDSL. They can, however, contact the Safeguarding team or DSL and/or DDSL first, should they wish to.

The online MyVoice reporting system can also be used if the individual wishes to, by either adding their details, or remaining anonymous. MyVoice will send the report directly to SETA's DSL and/or DDSL only.

If the case involves one of the DSL or DDSL, the DSL or DDSL counterpart will lead the case to eliminate any conflict of interest.

### Support

SETA's DSL's will offer their full support to anyone affected by sexual harassment, such as individuals:

- *who have witnessed sexual harassment*
- *dealing with sexual harassment complaints*
- *accused of sexual harassment*

Support can include signposting to counselling services and outreach groups (**Please see Section 10**) as required.

Further guidance on the **Informal** and **Formal** complaint process can be found in **Annex A and B**.

## **7. Criminal Offences and Emergency Situations**

Some acts of sexual harassment may also be criminal offences. If a complaint involves potential criminal behaviour, we will discuss the option of reporting it to the police with the complainant and provide support if they choose to proceed.

The complainant's wishes will be respected, but in certain cases, we will involve the police if safety risks to the complainant, colleagues, or others are significant.

When police are involved, SETA will still carry out our own investigation alongside police inquiries, provided it doesn't interfere with the criminal process. We will also agree with the police what steps we can take in relation to the harasser. Even if there's no conviction, we may still take disciplinary action based on reasonable grounds, using evidence from our internal investigation.

Sexual violence for example, is forcing someone to engage in sexual activity without consent. Such examples include:

- *Physical conduct such as touching or grabbing parts of another individual's body without consent*
- *Pressure to do sexual things they didn't want to*

- *Assault by penetration or rape*
- *Sexual assault of any kind*
- *Being recorded in explicit pictures or videos*

Allegations of this type of act would be reported to the police immediately, with or without the consent of the victim. Here, SETA would have a duty of care to escalate this with the police due to it being a criminal act.

The DSL and/or DDSL will contact Hampshire Police immediately if they feel the complainant or any other individual may be at risk of harm.

## **8. Records and Documentation**

All documentation and investigation notes will be recorded on the 'MyConcern' Safeguarding platform by the DSL and/or DDSL.

### Confidentiality

Complaints should be kept confidential and only shared with people who need to know about them, such as Officers, HR, other relevant SETA Managers and legal advisors for example. Witnesses must not speak with each other to ensure that evidence is not affected.

In some cases, information may need to be passed on, for example if there are any legal or regulatory obligations to report an issue, or if there are any immediate risks to anyone's safety or welfare which would need reporting to things like local authorities or the police. SETA would always seek consent before passing information on, but information may need to be disclosed without consent, especially in high-risk situations.

## **9. Risk Assessment and Action Plan**

A sexual harassment risk assessment, including an action plan has been carried out, **(Please See CARA-046 - Sexual Harassment)**, and is updated annually, or when new hazards and risks are identified.

## **10. References and Outreach Groups**

### Equality and Human Rights Commission (EHRC)

EHRC publishes updated workplace sexual harassment guidance ahead of change to law

<https://www.equalityhumanrights.com/media-centre/news/ehrc-publishes-updated-workplace-sexual-harassment-guidance-ahead-change-law>

### HM Government

Worker Protection (Amendment of Equality Act 2010) Act 2023

<https://www.legislation.gov.uk/ukpga/2023/51/contents/enacted>

### The Safeguarding Network

Sexual Violence and Sexual Harassment

<https://safeguarding.network/content/safeguarding-resources/sexual-violence-sexual-harassment#:~:text=Sexual%20violence%20is%20rape%2C%20assault,conduct%20of%20a%20sexual%20nature>

**NHS**

Help after rape and sexual assault

<https://www.nhs.uk/live-well/sexual-health/help-after-rape-and-sexual-assault/>

For counselling

<https://www.nhs.uk/tests-and-treatments/counselling/>

**Victim Support**

A national charity dedicated to helping anyone affected by crime to cope with and recover from their experience

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

**SETA’s MyVoice Anonymous Reporting Tool**

<https://form.thesafeguardingcompany.com/b0ffafe4-b030-4b5d-812f-bf29b21e785c>

**11. Contacts**

<b>Name</b>	<b>Role</b>
Peter Hurlstone	DSL
VACANT	DDSL
Lily Lavall	Safeguarding Officer
Honor Hurlstone	Safeguarding Officer
Tracey Peerless	Safeguarding Officer
Russ James	Safeguarding Officer
Julie Gough	Chief Executive Officer
HRDept. Solent	SETA’s HR Department

Please contact the Safeguarding team on 07594 299517 or at [safeguarding@seta-training.co.uk](mailto:safeguarding@seta-training.co.uk)

SETA staff can contact HRDept. Solent on 0345 200 0031 or at [hcsolent@hrdept.co.uk](mailto:hcsolent@hrdept.co.uk)

**12. Review**

This procedure will be reviewed quarterly by the DSL, DDSL and the CEO. This will include monitoring its effectiveness and implementation of any changes that may be required.

## **Informal Complaint Process**

When an individual reports sexual harassment but prefers not to escalate the issue formally, it is essential to respect their wishes. In such cases, the DSL and/or DDSL can still consider disciplinary action against the alleged aggressor, even without a formal complaint.

### **Step 1 - The Complaint**

The complaint is made and reported to the DSL and/or DDSL, or is received anonymously via the MyVoice online portal, and it has been decided it is informal.

### **Step 2 - Discussion**

The complainant will be given a private, safe space for them to share their experience. All complaints will be treated seriously, and the DSL and/or DDSL will remain neutral and avoid making judgments. They will be actively listened to, so they are able to express things in their own words without interruption. Nodding gestures can be made to show they are being listened to, eye contact will be maintained if possible, and they will be responded to in a calm, steady voice to help them feel comfortable, and let them know their concerns are being taken seriously. Open-ended questions such as 'What happened next?', 'How did it make you feel?' and 'Are there any potential solutions that you have in mind?' can be asked.

### **Step 3 - Document Details**

All relevant information will be recorded, including dates, times, locations, specific behaviours mentioned, and any witness names. This helps the DSL and/or DDSL gain a picture of the incident, and enables them to monitor patterns of behaviour, assess the effectiveness of current policies, and identify areas for improvement. All records will be handled confidentially and recorded on the MyConcern portal.

### **Step 4 - Take appropriate action**

Depending on the situation, this might include:

- *Acting on what the complainant want's to happen*
- *Having a private conversation with the alleged aggressor to address the behaviour*
- *Facilitating a meeting between the two parties to discuss the issue*
- *Offer/signpost to appropriate external support services, such as counselling*

SETA will report any criminal act to Hampshire Police possibly without consent of the complainant should the case warrant it. This will be at the DSL and/or DDSL's discretion, depending on the nature of the case.

Whatever action is taken, the DSL and/or DDSL will liaise with the complainant.

### **Step 5 - Document the Process**

Even in informal resolutions, a record of the complaint, the steps taken, and the agreed-upon outcomes will be recorded on MyConcern. This documentation could prove useful if the issue resurfaces or escalates.

### **Step 6 - Follow up**

The DSL and/or DDSL will check-in with the complainant to see if they are satisfied with the solution and to address any further concerns.

## Formal Complaint Process

### **Step 1 - The Complaint**

The complaint is made and reported to the DSL and/or DDSL, or is received anonymously via the MyVoice online portal, and it has been decided it is a formal complaint.

If the complainant is known, they must put their complaint in writing, detailing the issue, relevant dates, and any supporting evidence. The DSL and/or DDSL will assist with this as required, where although the complainant will be told what information is required, they will not be told what to write. This written grievance serves as the official record of their concerns.

SETA's Human Resources (HR) department will be contacted before the investigation in the instance it is a Staff member being reported, as it may be necessary for the accused to be suspended from the centre, and HR may wish to lead or contribute to the case.

### **Step 2 - Acknowledge Receipt**

The DSL and/or DDSL will acknowledge the complaint in writing, outlining the next steps and providing a timeline for the process.

### **Step 3 - Grievance Meeting**

The complainant will be given a private, safe space for them to share their experience. All complaints will be treated seriously, and the DSL and/or DDSL will remain neutral and avoid making judgments. They will be actively listened to, so they are able to express things in their own words without interruption. Nodding gestures can be made to show they are being listened to, eye contact will be maintained if possible, and they will be responded to in a calm, steady voice to help them feel comfortable, and let them know their concerns are being taken seriously. Open-ended questions such as 'What happened next?', 'How did it make you feel?' and 'Are there any potential solutions that you have in mind?' can be asked.

The complainant has the right to be accompanied by a colleague or trade union representative if required. In some circumstances, if they are very stressed or need a translator for example, it may be appropriate for them to be accompanied by a family member or friend for support.

### **Step 4 - Investigation**

The DSL and/or DDSL will carry out any appropriate investigation as thoroughly as necessary, to gather all relevant information. This may involve interviewing witnesses and relevant parties and reviewing documents. It may be necessary to separate the individuals involved while the formal complaint is being handled, but care will be taken so as not to put someone at a disadvantage for raising a complaint.

### **Step 5 - Document the Process**

A record of the complaint, the steps taken, and the agreed-upon outcomes will be recorded on MyConcern. This documentation could prove useful if the issue resurfaces or escalates.

### **Step 6 - Decision and Outcome**

After considering all the information, the DSL and/or DDSL will decide on the appropriate action and communicate their decision in writing to the complainant. Reasons for the decision and any steps that will be taken to resolve the issue, such as the disciplinary process will be included. However, specific details of the discipline will not be revealed, as this is confidential between the DSL and/or DDSL, and

## **Formal Complaint Process**

the alleged aggressor. If it is decided that no further action is needed, a record of this should be made including reasons.

All people who are directly involved will be informed when the process is completed, and they will be reminded not to discuss it with colleagues. A summary of the complaint, the investigation, and the final decision will be recorded.

SETA will report any criminal act to Hampshire Police possibly without consent of the complainant should the case warrant it. This will be at the DSL and/or DDSL's discretion, depending on the nature of the case. All relevant investigation notes will be handed over to the relevant external source, such as Hampshire Police or the HR department of the employer the visitor or apprentice is working for, at the swiftest opportunity, possibly without the complainant's consent depending on the case.

If sexual harassment has occurred, SETA will make steps to prevent it from happening again and manage the situation carefully. If the aggressor remains in SETA, disciplinary action, increased supervision, or moving them to a different role or location to separate them from the complainant will be considered. If they're dismissed, they will be told explicitly not to contact the complainant.

If a complaint is not upheld, either due to lack of evidence or the behaviour not being classified as sexual harassment, SETA will focus on maintaining professional relationships and mediation for both parties will be considered. If tensions carry on, reassigning roles may be necessary to prevent further conflict.

### **Step 7 - Right to appeal**

If the complainant is unhappy with the grievance outcome, they have the right to appeal. The appeal must be submitted in writing, and an appeal meeting must be arranged to go through the reasons for the appeal. The appeal should be heard by the Chief Operating Officer (CEO), who is not previously involved in the case to keep things impartial and if possible, who is more senior than the original decision maker. The complainant again has the right to be accompanied at this appeal meeting.

If the matter still is not resolved, then as a last resort, the complainant may choose to escalate their complaint to an employment tribunal, who will examine the steps SETA took to prevent and address sexual harassment. If it is found that the steps taken were not adequate, SETA can be held responsible for harassment carried out by an aggressor; this is called vicarious liability.

### **Step 8 - Follow up**

The DSL and/or DDSL will check-in with the complainant to see if they are satisfied with the solution and to address any further concerns.