



Sexual Safety Policy

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1. Aims and Objectives

- 1.1 The South East Coast Ambulance Service NHS Foundation Trust (“the Trust”) is committed to ensuring a working and learning environment free from sexual harassment. Sexual harassment is illegal and our workforce regardless of length of service are protected from sexual harassment in the workplace as set out in the Equality Act 2010.
- 1.2 The Trust is committed to the elimination of sexual harassment in the workplace by:
 - The application of this policy
 - Empowering colleagues to speak up by raising their awareness of the Trust’s zero tolerance to unacceptable behaviours
 - Developing our organisational culture at every level to create an atmosphere that encourages and supports colleagues to openly discuss and report sexual harm without fear of retribution or victimisation
 - Being proactive and transparent in tackling issues
 - Encouraging reporting by setting out the steps to follow, designed from an employee’s perspective to ensure they feel protected
 - Training – creating a cyclical approach for all employees to attend training in sexual safety, updating them with the kind of behaviours expected and what to do if they are a victim of sexual harassment or a witness (bystander).
 - Capturing and share data on the prevalence and staff experience of preventing and eliminating sexual harassment in our workplace.
- 1.3. The Trust is a signatory and is committed to the NHS England ‘Sexual Safety Charter’ [NHS England » Sexual safety in healthcare – organisational charter](#). We have committed to a zero-tolerance approach to any unwanted, inappropriate and/or harmful sexual behaviours towards our workforce and to eliminate all forms sexual harassment in the workplace by July 2024. The Trust is committed to the Charter and to the ten core principles and actions, recognising that prevention is the key and the priority in dealing with sexual harassment to ensure that it is a safe place for everyone to work and everyone in the workplace is treated with dignity and respect.
- 1.4 Although sexual misconduct and violence can be experienced by any individual, regardless of sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status, we recognise that women are more likely to experience sexual harassment and abuse than



men and perpetrators of sexual harassment are overwhelmingly men. We also recognise that members of the LGBTQ+ community, and individuals with disabilities are disproportionately affected by experiences of sexual violence. Experiences of sexual misconduct and violence may also intersect with other forms of harassment and discrimination.

2. Scope

- 2.1 This policy applies to the Trust workforce, irrespective of whether colleagues are an employee, worker, volunteer, or student, contracted partner working on behalf of the Trust.
- 2.2 The policy also applies to any external contractors visiting the Trust.
- 2.3 The Policy concerns sexual misconduct that may take place on Trust sites/property, in any other place where a colleague is working such as offsite, at a training course, conference, or external meeting, as well as other circumstances where sexual misconduct may take place outside of the Trust premises or hours, e.g. social events or on social media.

3. Definitions

- 3.1 **Zero tolerance** refers to the strict and uncompromising stance taken by the Trust against any form of sexual harassment and / or misconduct. This means that the Trust will not tolerate any inappropriate behaviour, actions, and / or comments of a sexual nature, and will take prompt and decisive action against individuals found engaging in such conduct which may include disciplinary actions such as reprimands, suspensions, or termination of employment. The goal is to create a work environment where all employees feel safe, respected, and free from any form of sexual harassment and / or discrimination.
- 3.2 Equality Act 2010 s.26 Sexual Harassment definition: is when
 - (1) A person (A) harasses another (B) if—
 - (a) A engages in unwanted conduct of a sexual nature, and
 - (b) the conduct has the purpose or effect of –
 - I. Violating B's dignity or
 - II. Creating an intimidating, hostile, degrading, humiliating or offensive environment for B
 - (2) A also harasses B if—
 - (a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,
 - (b) the conduct has the purpose or effect of –



- I. Violating B's dignity or
 - II. Creating an intimidating, hostile, degrading, humiliating or offensive environment for B
- (c) because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.
- (3) In deciding whether conduct has the effect of –
- I. Violating B's dignity or
 - II. Creating an intimidating, hostile, degrading, humiliating or offensive environment for B
- each of the following must be taken into account—
- (a) the perception of B;
 - (b) the other circumstances of the case;
 - (c) whether it is reasonable for the conduct to have that effect.

Examples of sexual harassment are:

- Sexual comments or jokes
 - Displaying sexually graphic pictures, posters, or photos
 - Suggestive looks, staring or leering
 - Intrusive questions about a person's private sex life and discussing your own sex life
 - Sexual posts or contact on social media
- (Appendix A has further examples).

Sexual harassment is recognised as a free-standing form of discrimination, even if it is not directed at them. Unlike direct discrimination, sexual harassment claims do not require any comparator – in other words, it is not necessary for the employee to show that another person was, or would have been, treated more favourably. Employees can complain about sexual behaviour that they find offensive- if it causes offence then it's sexual harassment, whether or not the perpetrator says they meant to cause offence.

- 3.3 **Sexual Assault** – Sexual assault is an act that a person did not consent to or is forced into against their will. It is a form of sexual violence and includes rape, any sexual activity without permission/consent, or other sexual offences such as groping, forced kisses, or the torture of a person in a sexual manner.
- 3.4 **Intersectional Harassment** – Where an individual has one or more protected characteristics such as but not limited to, gender, race, sexuality, trans status,



religion, and disability which may intersect, and overlap, to increase the risk of experiencing sexual harassment.

- 3.5 **Sexual Misconduct** – Sexual misconduct describes a range of behaviours including sexual assault, sexual harassment, stalking, voyeurism, and any other conduct of a sexual nature that is non-consensual or has the purpose or effect of threatening, intimidating, undermining, humiliating, or coercing a person.
- 3.6 **Sexual Safety** – Sexual safety refers to being and feeling psychologically and physically safe, including being free of, and feeling safe from, behaviour of a sexual nature that is unwanted, or makes another person feel uncomfortable, afraid, or unsafe.
- 3.7 **Sexual Violence** – Sexual violence encompasses acts that range from verbal harassment to forced penetration, and an array of types of coercion, from social pressure and intimidation to physical force.
- 3.8 **Misandry** – Dislike of, contempt for, or ingrained prejudice against men.
- 3.9 **Misogyny** – Dislike of, contempt for, or ingrained prejudice against women.
- 3.10 **Misogynoir** – Hatred directed towards Black women where race and gender both play roles in bias.
- 3.11 **Sexual Harm** – Throughout this policy the term sexual harm refers to any of the inappropriate sexual behaviours set out above.
- 3.12 **Active Bystander**– Someone who chooses to challenge unacceptable or threatening sexual behaviour.
- 3.13 **Third-party** - Someone who is not a part of the Trusts' workforce.
- 3.13 **Designated person** - Manager/ supervisor/ team leader, a member of the human resources department, freedom to speak up guardian (FTSU), safeguarding team, inclusion team, Union representatives, staff network leads.

4. Principles

4.1 To support cultural development the Trust will take the following actions:

- Ensure sexual safety is a regular item on the agenda at team and Executive meetings



- Ensure the Board of Directors regularly reviews data relating to sexual harm and that lessons are learned and changes in practice made to improve sexual safety in the workplace for all who engage with the Trust
- Ensure all colleagues receive training in sexual safety and appropriate behaviours
- Encourage managers to ask about sexual safety in appraisals and one-to-one meetings
- Appoint an Executive Board member as overall responsible for improving sexual safety
- Appoint a domestic abuse and sexual violence lead to support patients and staff to report incidents and access support, as required in the NHS England Sexual Safety Charter.

4.2 The Trust does not tolerate sexual harassment by any employee or third party, will take all reasonable steps to prevent harassment and will be proactive in taking action. Any instance of sexual harassment should be reported in line with this policy regardless of who the alleged perpetrator is.

4.3 Sexual misconduct can take place between senior staff towards more junior colleagues or students, persons at the same level or involve staff behaving inappropriately towards more senior members of the Trust.

4.4 The Trust is committed to providing appropriate support for those in the workforce who experience unwanted, inappropriate and / or harmful sexual behaviours, and will ensure reported incidents of sexual harassment will be promptly and thoroughly investigated. Investigations will be conducted by impartial parties, ensuring fairness and confidentiality throughout the process.

4.5 Disciplinary action will be taken if allegations of sexual harassment or sexual misconduct are upheld following a formal complaint. In severe cases, legal action may be pursued, with the possibility of a criminal conviction.

5. Responsibilities

5.1. Everyone has a part to play in being aware of, preventing and dealing with sexual harassment, this policy sets out the expectations for the behaviour of all employees and specific responsibilities.

5.2. All individuals are personally liable for their actions, which in some instances could lead to criminal or civil action in the Courts under the Protection from Harassment Act 1997, the Equality Act 2010 or other relevant legislation, such as the Crime and Disorder Act 1998 or Sexual Offences Act 2003.



5.3. **Employees** – All employees have a responsibility to treat colleagues, including bank staff and contractors, volunteers, student and service users and all other individuals they interact with in the course of their duties with dignity and respect, supporting a safe working environment and culture where sexual harassment is not tolerated. Employees are expected to:

- Uphold the Trust's values and our behaviours of acting with integrity, assuming responsibility, demonstrating compassion and respect, taking pride and striving for continuous improvement.
- Commit to the sexual safety standards set out in the Trust's Sexual Safety Charter and keep everyone safe from harm
- Ensure they understand what sexual harassment is
- Be aware of how their behaviour may affect others
- Cooperate in investigations into alleged sexual harassment.
- Reporting all incidents of sexual harassment when witnessed and challenging unacceptable behaviour wherever possible and as long as safe to do so. These responsibilities are considered as being an Active Bystander, see [Bystander Toolkit](#).

5.4. **Managers** - In addition to the employee responsibilities listed in the above section, all those with line management responsibility must ensure that all colleagues are aware of this policy and understand their own, and the organisation's responsibilities. Managers, supervisors and team leaders have a particular duty to ensure that, within their area of responsibility, everyone is treated with dignity and respect. Managers are expected to:

- Role model acceptable behaviour in the workplace at all times.
- Always challenge any unacceptable or questionable behaviour that they witness or become aware of.
- Be aware of behaviour and language that can cause offense including jokes and banter and ensure standards are maintained in the workplace.
- Respond swiftly, sensitively, and objectively to all complaints and concerns of sexual harassment.
- Ensure that this policy is followed.

5.5 **Individuals in a position of power** – All individuals in a position of power or where a power imbalance exists, such as line managers, mentors to students, qualified employees to students, long serving employees to new starters, senior employees to junior employees, employees in a majority group to those in a minority group, Trust staff to patients and members of the public, must be



aware of the imbalance of power / unequal relationships in the workplace, are expected to:

- Be aware of the potential power imbalance and the vulnerability this could place individuals with a lower power at.
- Never take advantage of their position of power such as asking for sexual favours in return for enhancements in the workplace.
- Ensure those in a lower position of power are not subjected to inappropriate behaviours including jokes and banter due to their position in the Trust.
- Be aware of vulnerabilities of minority groups who may be at greater risk of sexual harassment. This includes individuals with protected characteristics such as but not limited to, gender, race, sexuality, trans status, religion, and disability which may increase the risk of experiencing sexual harassment. This is referred to as intersectional harassment.

5.6 Senior Leadership Team – In addition to the responsibilities listed above, the Senior Management Team are responsible for:

- Ensuring that sufficient resources are available across the Trust to investigate allegations in a timely manner.
- Ensuring that sufficient reporting structures are available throughout the Trust for individuals to report concerns of sexual harassment.
- Ensure that sufficient resources are available to support the emotional and physical wellbeing of all employees, specifically those who have been the recipient or alleged perpetrator of sexual harassment.

5.7 Executive Board Members – In addition to the responsibilities listed above, the Executive Board are responsible for:

- Conducting regular reviews of internal data and ensuring appropriate actions are taken in areas of concern.
- Influencing organisational culture and setting organisational priorities relating to sexual safety.

5.8 Human Resources

- Provide advice and support in the application of this policy.
- Support anyone who is subject to any form of sexual misconduct in a safe, supportive environment.



- Make clear to individuals how to disclose a complaint about sexual misconduct. Support can be provided with signposting to a designated person.
- Ensure that the dignity of all parties involved in investigations/ disciplinary proceedings is maintained.
- Respect the sensitivity of disclosures about sexual misconduct and treat any disclosure confidentially.
- Ensure that we learn from our experiences and any wider Trust learning is captured and fed back to raise awareness of sexual safety provisions in the future.

6. Impact of Sexual Harm

- 6.1 The impact of sexual harm can be devastating, leaving the recipient feeling afraid, ashamed, humiliated, and undermined. It can result in serious mental health problems such as depression, anxiety, or low self-esteem. It can have a serious impact too on physical health problems such as digestive problems or sleep difficulties. Inevitably the recipient's performance at work will be affected.
- 6.2 In addition, witnessing the harassment of a colleague can also be very upsetting and can impact on the health and work performance of that individual.
- 6.3 Apart from the effects on individuals, harassment can also have a major effect on the Trust, affecting both the performance and the morale of the whole workforce.
- 6.4 The Trust is committed to providing support for victims and witnesses of sexual harm [Sexual Safety Support](#). The Trust's wellbeing provisions also include access to Occupational Health and information on a range of specialist external support agencies [Directory of Services - Wellbeing Hub](#).

7. Victims of Sexual Harm

- 7.1 It takes great courage for an individual to talk about a sexual safety incident they have been affected by. The Trust is committed to ensuring all colleagues disclosing sexual safety incidents are listened to, taken seriously, and supported.
- 7.2 If you are the subject of sexual harassment, you should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. The Trust recognises that sexual harassment may occur in unequal relationships (i.e.,



between a manager/team leader and their employee) and that it may not be possible for the victim to inform the alleged harasser.

7.3 Victims can approach a designated person to disclose what has happened to them. Designated persons are:

- manager/ supervisor/ team leader
- a member of the human resources department
- freedom to speak up guardian (FTSU),
- safeguarding team
- inclusion team
- Union representatives
- staff network leads

7.4 Outside of these groups, colleagues can choose whoever they feel most comfortable with to raise their concerns, just speaking with someone may assist the colleague in taking informal action or receiving support. Anyone who receives a concern should:

- Signpost the victim to this policy.
- Respect the decisions of the victim, for example:
 - if they choose not to take any action. The exception to this would be in the most serious of concerns being raised, whereby the individual would have a duty of care to refer confidentially to a designated person.
 - make a disclosure to a designated person on the victims' behalf, with their consent.

7.5 Victims of sexual harm may also report incidents anonymously [Raising a concern via Freedom to Speak Up \(Including an anonymous option\)](#).

7.6 When receiving a disclosure of sexual harm, the designated person will:

- Provide a safe environment to facilitate an open discussion
- Believe the individuals distress and allow them to express their level of distress in their own words.
- Demonstrate active listening without judgement or disbelief
- Build trust and an offer open door for reporting of future incidents.
- Reassure the person who has been directly affected that they are not to blame and that disclosing the information is the right thing to do.
- Allow the individual to bring a work colleague or friend with them when making the disclosure to ensure emotional and moral support.
- Consider what actions are to taken, following the disclosure, in order to keep the victim safe.



7.7 If the victim wishes to deal with the matter informally, the designated person will:

- give an opportunity to the alleged harasser to respond to the complaint
- ensure that the alleged harasser understands the complaints procedure
- facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the Trust to resolve the matter.
- ensure that an agreed confidential record between the two parties is kept
- ensure that the above is done speedily and within 10 working days of the complaint being made.
- follow up, after the outcome, to ensure that the behaviour has stopped.

7.8 If the individual wants to make a formal complaint or if the informal complaint has not led to a satisfactory outcome for the victim or the complainant, the formal complaint steps (Section 9) should be used to resolve the matter. The designated person together with the disclosing party (victim or witness/ bystander) will complete the Sexual Safety Disclosure Pro-forma and send to the HR Employee Relations Team.

8. Active Bystander - What to do if you witness sexual harm

8.1 If you witness sexual harm in the workplace, you must act as an Active Bystander. The [Bystander Toolkit](#) will support colleagues witnessing a situation to consider the following:

- Challenge the behaviour by speaking to the person responsible either at the time or at an appropriate time and place and where it is safe to do so.
- Take steps to move the colleague subject to the harm away from the situation.
- Support those impacted - let them know that you feel that the behaviour you witnessed is unacceptable.
- Signpost individuals support available
- Check in with the recipient of the behaviour after it has taken place.

8.2 All instances of witnessing sexual harm must be reported to a designated person (see section 7). Before you report the behaviour, you witnessed, try and make sure that the person who was targeted is aware of, and supports, your intention to report it. If they do not support your intention to report it and you are concerned, you should not disclose their identity, but you can raise the concern to the Freedom to Speak Up team [Freedom to Speak Up](#).

9. Formal Complaint Steps



9.1 The designated person will refer the matter, via the Sexual Safety Disclosure Pro-forma to the HR Employee Relations Team. The Employee Relations Manager will:

- co-ordinate an independent panel to review the pro-forma, normally within 10 days, and decide whether any immediate recommendation such as redeployment, restriction in practice or suspension is required and decide on next steps for formal investigation. Some forms of sexual harassment e.g., sexual assault, stalking, indecent exposure, may constitute criminal conduct. When the most serious of concerns are raised that could potentially meet a criminal threshold, the independent panel will always include specialist safeguarding advice as to whether referrals and/or advice should be sought from external partners such as the Police and consideration in line with the [Managing Safeguarding Allegations Policy & Procedure](#).
- Assign to a commissioning manager to define the investigation terms of reference, including a reasonable timeframe, for completion of the investigation. The extent and timescales of an investigation will depend on the size and complexity of the investigation to be undertaken.

9.2 The person carrying out the sexual harassment investigation will:

- undertake the investigation, taking a fair, impartial and unbiased approach
- review initial evidence that has been submitted by victim or another party. Set the remit of the investigation to determine what needs to be taken forward within the scope of the terms of reference
- interview the victim and the alleged harasser separately with appropriate details of the allegation in question
- interview other relevant third parties separately
- update the remit of the investigation beyond the initial allegation, if further information becomes known during the investigation. The Harasser and other parties may need to be interviewed again to respond to any further allegations being considered.
- decide whether or not the incident(s) of sexual harassment took place ensuring that an objective approach with perspectives of all involved are taken into account
- produce a report outlining the evidence, making any recommendations i.e., case to answer, no case to answer, or other action (ie learning, training etc)
- complete investigation without undue delay, keeping the victim and perpetrator updated on progress and any delays
- submit the investigation report to the commissioning manager for review and next steps



9.3 Review of the Investigation Report

- 9.3.1 The investigation report is reviewed by the Commissioning Manager who will confirm the outcome in writing to the complainant.
- 9.3.2 If the harassment took place the commissioning manager will progress the case to a formal disciplinary panel hearing, under the [Disciplinary Policy and Procedure](#), to consider the evidence and decide on appropriate outcomes up to and including summary dismissal.
- 9.3.3 If it cannot be determined that harassment took place:
- They may request that the investigation be re-opened to allow for further clarification or investigation
 - Make other recommendations for informal resolution
 - Keep a record of all decisions or actions taken

10. Procedure for Dealing with Criminal Conduct

- 10.1 It is not the obligation of the Trust to report such matters to the police on behalf of the complainant, however the Trust will fully support the individual to do so where appropriate. This support may include but is not limited to, time out of work to report allegations and the support of a colleague, line manager or other identified person to attend any meetings with the police if required.
- 10.2 The exception to 10.1 would be allegations of sexual harm where there is a concern regarding transferrable risk, or if there is an overriding public interest for the allegations to be reported to the police. Each situation will be considered on a case-by-case basis, and the Employee Relations, Safeguarding and Professional Standard teams will provide advice and guidance.

11. Protection Against Retaliation and Victimisation

- 11.1 The Trust strictly prohibits retaliation against individuals who report incidents of sexual harassment.
- 11.2 If an employee makes a complaint related to sexual harassment or supports such a complaint by giving evidence or information or is believed to be supporting the complaint, they are also protected from victimisation, under the Equality Act.
- 11.3 Any form of retaliation or victimisation will be treated as a serious violation of this policy and may result in disciplinary action, including termination.



12. Monitoring Compliance

12.1 The Human Resources (HR) Senior Leadership Team is responsible for monitoring compliance with this policy. HR will monitor the application of the policy and procedure through feedback from staff and managers. Feedback, legislature and changes to terms and conditions will be used to inform and improve policies, as well as provide recommendations for improving working practices. HR will provide relevant reports, based on this data, as required.

13. Audit and Review (evaluating effectiveness)

- 13.1. All policies have their effectiveness audited by the HR SLT at regular intervals, and initially six months after a new policy is approved and disseminated.
- 13.2. Effectiveness will be reviewed using the tools set out in the [Trust's Policy and Procedure for the Development and Management of Trust Policies and Procedures](#) (also known as the Policy on Policies).
- 13.3. This document will be reviewed in its entirety every three years or sooner if new legislation, codes of practice or national standards are introduced, or if feedback from colleagues indicates that the policy is not working effectively.
- 13.4. All changes made to this policy will go through the governance route for development and approval as set out in the Policy on Policies.

15. References

- <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/experiencesofharassmentinenglandandwales/december2023#:~:text=Women%20were%20more%20likely%20to,as%20shown%20in%20Figure%202.> (ONS data relating to percentage of women to men experiencing sexual harassment)
- <https://www.hrmagazine.co.uk/content/comment/proactively-preventing-sexual-harassment-in-the-workplace/> Proactively preventing sexual harassment in the workplace
- [Reducing Misogyny and Improving Sexual Safety in the Ambulance Service - aace.org.uk](#)



- In October 2024, the Worker Protection (Amendment of Equality Act 2010) Act 2023, introduces a new duty on employers to take reasonable steps to prevent sexual harassment at work.

16. Financial Checkpoint

- 16.1 This document has been confirmed by Finance to have financial implications and the relevant Trust processes have been followed to ensure adequate funds are available.

17.

Appendix A

Examples of Sexual Harassment

Examples of sexual harassment include:

- Unwelcome sexual advances, propositions and demands for sexual favours
- Unwanted or derogatory comments or nicknames about clothing or appearance
- Predatory behaviour
- Coercion
- Physical contact such as the invasion of personal space and unnecessary touching/ closeness unwelcome touching, hugging, massaging, or kissing through to rape, sexual assault, indecent exposure.
- Jokes, gestures, and language of a lewd/sexual nature
- Intrusive questioning or suggestions about your sex life or a colleague's sex life and discussing their own sex life
- Comments regarding an individual's appearance or body
- Comments of a sexual nature about your or a colleague's sexual orientation
- Displaying sexually suggestive or sexually explicit material displaying offensive material, such as pornographic pictures or calendars, including those in electronic forms such as computer screen savers or by circulating such material in emails or via social media
- Sexual posts or contact on social media
- Requests for sexual favours
- Office gossip, spreading rumours or detrimental speculation about private sexual activities



- Threatened or actual sexual violence
- Treating a person less favourably because they have rejected, or submitted to, unwanted conduct that is related to sex or is of a sexual nature (including blocking promotion and refusal of training or other development opportunities)
- Upskirting- that typically involves someone taking a picture under another person's clothing without their knowledge

NB This list is not exhaustive