



## Sexual Harassment in the Workplace

York Childcare (YC) will not tolerate sexual harassment of its employees and is dedicated to preventing and addressing any sexual harassment, ensuring a safe and respectful environment for all. Any and all complaints of sexual harassment will be taken seriously and applies to all employees, trustees, volunteers, contractors, and third-party representatives of YC, regardless of role or status.

### What is sexual harassment:

Sexual harassment is defined as any unwanted behaviour of a sexual nature that offends, humiliates, or intimidates someone. Examples include unwelcome sexual advances, inappropriate touching, sexual jokes, displaying explicit materials, and sending explicit messages.

### Duty to Prevent Sexual Harassment

In accordance with the Worker Protection (Amendment of Equality Act 2010) Act 2023, effective from 26 October 2024, we have a duty to take reasonable steps to prevent sexual harassment in the workplace. This includes:

- Implementing preventive measures such as regular training and clear communication of this policy.
- Creating a culture of respect and inclusion.
- Taking proactive steps to identify and mitigate risks of sexual harassment.

### Experiencing or witnessing sexual harassment

If you experience or witness sexual harassment, you should report it to your line manager. If you do not feel able to do so, report it to HR or the Director of Operations. Employees have the right to choose to either:

- raise a problem informally;
- raise a formal grievance

In most cases, someone making a complaint can choose if they want it to be dealt with informally or formally, however, some situations might be too serious to deal with informally.

All complaints will be taken seriously and handled promptly and sensitively. If proven, we will take prompt and effective action. Any employee found to have engaged in sexual harassment may face disciplinary action, which may include dismissal. Volunteers and beneficiaries may also be subject to appropriate actions.



Subject to the outcome of an investigation, we may consider a range of formal and, potentially, informal options where both the charity and the person making a complaint think this is appropriate.

### **Informal process**

Where suitable and appropriate, YC encourages all employees to try to resolve any grievance with the individual concerned on an informal basis. Your line manager will assist you with this if you feel this is the best route for you.

Examples of action that may be taken as a result of an informal report may include:

- Explaining to the person who's been complained about why their behaviour was not acceptable and that it needs to change.
- Arranging mediation between the people involved.

If this does not resolve the complaint, issue or problem, you should initiate the formal process below.

### **Formal process**

- You should put your complaint in writing and forward it to your line manager,
- This written statement will form the basis of any investigations and any subsequent hearing, so it is important that you set out clearly the nature of your grievance and any dates and names of individuals involved. If your grievance is unclear, you may be asked to clarify your complaint before any meeting takes place.
- Your grievance will be formally acknowledged
- A thorough and impartial investigation will take place.
- Any other parties will be informed of the allegation against them.
- All parties will be kept informed of the progress.
- YC will ensure confidentiality as much as possible.
- Once an investigation is complete you will be notified of the next stage of the process, this may be no further action or you may be invited to attend a meeting to discuss your complaint further.
- Once the process the formal process is complete, you will be notified. Due to confidentiality, you may not be informed of action taken against other individuals.

Examples of action that may be taken as a result of a formal report may include disciplinary sanctions, including dismissal.

### **Disclosure of Sensitive Communications**

We will handle sensitive communications with the utmost care. This includes:

- Maintaining the confidentiality of all parties involved as much as possible



- Ensuring that any sensitive information disclosed during the investigation is protected
- Following legal guidelines on privilege and disclosure to ensure that sensitive communications are only shared with those who need to know.

### **Supporting People in Speaking Up About Sexual Harassment**

We recognise the importance of supporting individuals in speaking up about sexual harassment. We recognise that creating and maintaining an open, respectful culture is key to doing so and, to foster a safe environment for reporting, we will:

- **Reduce Psychological Barriers:** Acknowledge the difficulty of speaking up and provide reassurance that reports will be taken seriously and handled with sensitivity.
- **Lessen Social Threats:** Make it clear that the intention of reporting is to improve the workplace environment, not to target individuals.
- **Provide Clear Reporting Channels:** Ensure that people know how and where to report incidents, and that they can do so without fear of retaliation.
- **Offer Support and Resources:** Provide access to counselling and support services for those who report harassment.
- **Encourage a Speak-Up Culture:** Regularly communicate the importance of speaking up and, if reasonably possible, provide training on how to do so effectively.

### **Additional Steps for Management**

We also recognise that creating an open and respectful culture is primarily the responsibility of YCs leadership team. To further ensure a harassment-free workplace, management will:

- Ensure that our zero tolerance of sexual harassment is properly reflected in other policies, induction and on the job training.
- Demonstrate zero tolerance for sexual harassment through their own behaviour and actions.
- Communicate the importance of a harassment-free workplace and the steps being taken to ensure it.
- Any complaints about sexual harassment will be reported to senior management and, if appropriate, other reporting action taken, such as to regulators.
- Conduct training sessions for all employees, including management, on recognising, preventing, and addressing sexual harassment.

### **Dealing with third party sexual harassment**

Reporting sexual harassment by third parties

All complaints of sexual harassment from YC staff against a third party (not employed by YC) will be taken seriously and handled promptly and sensitively, however in such situations YC



procedures will not be applicable. YC will support the member of staff in making a complaint to the relevant external company following their own procedures. YC will also ensure that:

- support available through work, for example an employee assistance programme (EAP) if you have one
- outside sources of support

Reports of sexual harassment from a third party

If a complaint is made by a third party against an employee of YC, a fact finding investigation will take place and action taken inline with this policy and in conjunction with the disciplinary policy.

### **Support for Affected Individuals**

We will provide support to anyone affected by sexual harassment, including access to the company employee assistance programme and possible adjustments to work arrangements if needed.

UK Sexual Harassment Resources

Equality and Human Rights – [Workplace Sexual Harassment Guidance](#).

RSM [Final Countdown to New Duty to Prevent Sexual Harassment](#).

Harvard Business Review – [How to speak up when it matters](#).

Acas: [Sexual harassment](#).

Charity Commission E&W – [serious incident reporting](#).

Bates Wells: [Investigations and disclosure of sensitive communications](#) (Jun 24).

RSM: [What to do if you receive a whistleblowing allegation](#) (2018).

### **Time off because of sexual harassment**

Where staff who have been subject to sexual harassment require time off, YCs will support the individual by allowing:

- sickness absence
- appointments for specialist support

This time will be paid in line with the YC absence procedure, however any absences relating to sexual harassment will not count towards any absence trigger points.