

<b>Title</b>	Sexual Harassment Policy
<b>Document ID</b>	HR029
<b>Issue Date</b>	30 <sup>th</sup> September 2025
<b>Review by Date</b>	30 <sup>th</sup> September 2028
<b>Reviewed by</b>	Jessica Barlow
<b>Authorised by</b>	Tim Gladston

***Document history – Until this document is approved for the first time it is not subject to formal change control and as such, draft versions will always be referred to as ‘Draft.’***

Version	Date	Reviewer	Details of Change

## Contents

Introduction .....	3
Scope.....	3
Exclusions.....	3
Definitions.....	3
Example of Sexual Harassment.....	4
Third-Party Sexual Harassment.....	4
Responsibilities .....	5
The Law .....	5
Safeguarding and Regulatory Compliance.....	5
Positive Duty to Prevent Sexual Harassment.....	5
Sexual Harassment Complaints Procedure.....	6
Support for Employees .....	8
Residents/Visitors .....	8
Training .....	9
Monitoring and Review.....	9

## Introduction

SBCHL (Silver Birch Care Holdings Ltd and all its subsidiaries) is committed to providing a workplace free from sexual harassment and maintaining an environment where all employees, residents, clients, and visitors are treated with dignity and respect. Sexual harassment is unlawful, unacceptable, and will not be tolerated under any circumstances.

## Scope

This policy covers all individuals working for and with us or at any of our premises irrespective of their status, level or grade. It therefore includes all employees, managers, directors, officers, consultants, contractors, trainees, and bank and agency staff (collectively referred to as "staff" in this policy).

The aim of this policy is to give employees information about sexual harassment, to summarise the Company's responsibilities and to outline the procedures to be followed should an employee feel they have been sexually harassed.

The policy is not limited to behaviour between colleagues in the workplace or work social events and may extend to behaviour outside of the workplace in certain circumstances.

This policy does not form part of any employee's contract of employment, and we may amend it at any time or depart from it where we consider appropriate.

## Exclusions

There are no exclusions to this policy.

## Definitions

**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 also includes 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.

Sexual harassment may be persistent or an isolated incident. The key is that the actions or comments are unwanted by the recipient. A person may be sexually harassed even if they were not the intended "target". For example, a person may be harassed by sexual jokes or comments if they create an offensive environment for that person.

**Verbal Sexual Harassment:** Unwelcome spoken comments including sexual jokes, innuendos, propositions, comments about someone's body or appearance, sexual questions, derogatory remarks about gender or sexual orientation, and persistent requests for dates or sexual favours.

**Non-Verbal Sexual Harassment:** Unwelcome behaviours that don't involve speaking, such as staring or leering, making sexual gestures, facial expressions with sexual connotations, following someone around, or invading personal space in a sexually suggestive manner.

**Physical Sexual Harassment:** Any unwanted physical contact of a sexual nature, including touching, grabbing, pinching, patting, hugging, kissing, blocking someone's path, or cornering someone. This ranges from seemingly minor contact to more serious physical assault.

**Visual Sexual Harassment:** Displaying or sharing sexually explicit or suggestive materials such as posters, photographs, drawings, or written materials. This includes exposing oneself, making obscene gestures, or showing pornographic content to others without consent.

**Online Sexual Harassment:** Digital harassment through emails, social media, text messages, or other online platforms. This includes sending unsolicited sexual messages or images, posting sexual content about someone, cyberstalking, or creating fake profiles to harass someone sexually.

**Quid Pro Quo Harassment:** "This for that" harassment where sexual favours are explicitly or implicitly demanded in exchange for employment benefits, promotions, grades, or other opportunities. It typically involves someone in a position of power making employment or academic decisions contingent on sexual compliance.

**Hostile Environment:** Persistent unwelcome sexual conduct that creates an intimidating, hostile, or offensive atmosphere. The behaviour doesn't need to be directed at a specific individual but makes the environment uncomfortable for anyone of a particular gender. This can involve any combination of the above harassment types when they're severe or pervasive enough to alter working or learning conditions.

Important Note: Intent does not matter – it is how the behaviour is received that defines harassment.

## Example of Sexual Harassment

Sexual harassment may include, but is not limited to:

- Unwelcome physical conduct -- touching, pinching, patting, grabbing, brushing against someone's body, and more serious forms of physical or sexual assault.
- Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it.
- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome, particularly of a romantic or sexual nature.
- Sending or displaying material that is pornographic or sexually explicit (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet).
- Sexual comments, jokes/'banter', or innuendos about a person's body, appearance, or sexual activities.
- Offensive sexual gestures or suggestive body language.
- Sexual propositions or requests for sexual activity.
- Comments about someone's sexual orientation or gender identity.
- Displaying sexually explicit pictures, posters, or objects in the workplace.
- Making sexual sounds such as kissing noises, howling, or smacking lips.
- Spreading sexual rumours about a person.

## Third-Party Sexual Harassment

Third-party Sexual Harassment occurs where a person is 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, resident, family member, supplier, or visitor.

Sexual harassment may not necessarily be face to face - it may be by written communication (including on social networking websites such as Tik Tok, X (formally known as Twitter) Facebook, and WhatsApp), email, text message, or by phone. Sexual harassment may be carried out by an individual against an individual or involve groups of people.

Sexual harassment can also often be hard to recognise -- it may not be obvious to others and may be insidious. Any sexual harassment will not be tolerated and may result in disciplinary action.

Serious incidents of sexual harassment, even of a one-off nature, may amount to gross misconduct and, as such, may result in summary dismissal.

## Responsibilities

The **Chief Operating Officer** (COO) has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

The **HR Director** has day-to-day operational responsibility for this policy and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

It is the responsibility of the respective **Heads of Department** to highlight this policy to all their staff.

**Operations Managers** must ensure there is an effective mechanism for this policy to be communicated and disseminated to staff.

**All managers** have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understands the standards of behaviour expected of them and to take action when behaviour falls below our requirements.

**All staff** are responsible for the success of this policy.

**All staff** have a responsibility to abide by this policy and not to subject others to sexual harassment and to maintain the standards of behaviour expected of them by the Company.

Comments, suggestions and queries should be addressed to the HR Director.

## The Law

The Equality Act 2010 prohibits harassment related to sex and sexual orientation. Sexual harassment is also covered under the broader harassment provisions of the Act.

In the UK, employers are legally required to take reasonable steps to prevent sexual harassment in the workplace. This duty, introduced by the Worker Protection (Amendment of Equality Act 2010) Act 2023, came into effect on October 26, 2024. Employers must proactively anticipate and prevent sexual harassment and address it effectively if it occurs.

The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.

Under the Health and Safety at Work Act 1974 all staff are entitled to a safe place and system of work.

## Safeguarding and Regulatory Compliance

As we operate Ofsted-regulated and Care Quality Commission (CQC) services, where relevant, safeguarding concerns will be managed in accordance with:

- Safeguarding Children (Working Together to Safeguard Children) and local safeguarding partnership procedures, for Ofsted-regulated services.
- Safeguarding Adults (Care Act 2014) and Local Authority Safeguarding Adults Board procedures, for CQC-registered services.
- Statutory notification requirements to Ofsted or the CQC as applicable, and Duty of Candour where relevant.
- Where there is suspected criminal conduct, we will consider reporting to the police and support staff in doing so.
- We will ensure alignment with our Safeguarding Policies and notify regulators/Local Authorities where required.

## Positive Duty to Prevent Sexual Harassment

We have a proactive duty to take reasonable steps to prevent sexual harassment. We will:

- Conduct annual sexual harassment risk assessments by service/department (including factors such as lone working, shift patterns, age mix, online systems, and visitor interactions in the CQC-registered service).
- Implement preventative controls (e.g., safer staffing/rotas, supervision practices, boundaries guidance, lone-working protocols, visitor management controls where applicable, signage of expected conduct in CQC settings, and IT/social media acceptable use).
- Provide training at induction and periodic refresher courses, including manager training on handling complaints and bystander awareness.
- Communicate expectations clearly via policies, induction packs and team briefings.
- Monitor incidents, near misses, and staff survey data, and report anonymised trends to leadership.
- Review effectiveness annually and adjust controls accordingly.

## Sexual Harassment Complaints Procedure

### Informal Procedure

- If you believe you are being sexually harassed, it is recommended that you should initially consider raising the problem with the person responsible. You should explain clearly to them that their behaviour is not welcome and/or makes you feel uncomfortable. It may be that the person may be unaware that their behaviour is inappropriate or of the effect of their actions. Even if the behaviour was intentional a prompt and clear indication that it is objectionable could stop it reoccurring.
- If this is too difficult or embarrassing, you should speak to the Human Resources department or your Head of Department, who can provide confidential advice and assistance in resolving the issue formally or informally.
- Similarly, if you are not certain whether an incident or series of incidents amount to sexual harassment, you should contact the Human Resources department or your Head of Department informally for confidential advice.
- As a general principle, the decision whether to address a complaint informally is up to you however, we have a duty to protect all staff and may pursue the matter if, in all the circumstances, we consider it appropriate to do so in light of our duty of care to protect the health and safety of all of our staff.
- If informal steps have not been successful or are not possible or appropriate you should follow the formal procedure set out below.

### Formal Procedure

- If you wish to make a formal complaint about sexual harassment, you should submit it in writing to your Head of Department and/or the Human Resources department, whose role is to achieve a solution wherever possible and to respect the confidentiality of all parties concerned.
- Where allegations of sexual harassment relate to the employee's line manager, the complaint should be made to the relevant Head of Department. If the complaint however relates to the Head of Department, the complaint should be made to the Director and/or the Human Resources department.
- As a general principle, the decision whether to progress a complaint under the formal procedure is up to you. However, we have a duty to protect all staff and may pursue the matter if, in all the circumstances, we consider it appropriate to do so in light of our duty of care to protect the health and safety of all of our staff.

- Your written complaint should describe the incident(s) as fully as possible and give details of the name of the harasser, describe the nature of the sexual harassment, the dates and times on which it occurred, the names of any witnesses and any action that has been taken so far to stop it from occurring.

### **Formal Investigation**

- Head of Department, Line Manager or appropriate Human Resources representative with no prior involvement in the complaint will be appointed to investigate the complaint. We will investigate complaints in a timely and confidential manner. The investigation will be thorough, impartial and objective, and carried out with the sensitivity and due respect for the rights of all parties concerned.
- We will arrange a meeting with you as soon as possible after receiving your complaint, so that you can give your account of events. The investigator will arrange further meetings with you as appropriate throughout the investigation.
- Confidentiality will be maintained during the investigatory process to the extent that is practical and appropriate in the circumstances. However, in order to effectively investigate an allegation, the Company must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation.
- Where your complaint is about someone other than an employee, such as a contractor, resident, family member, supplier, or visitor, we will consider what action may be appropriate to protect you and anyone involved 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.
- Where your complaint is about an employee, paid suspension may be considered where appropriate or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require.
- The person who is alleged to have carried out the sexual harassment has the right to be notified that a complaint has been made about them and the nature of the allegations so that they can respond. The alleged harasser will be interviewed as part of the investigation.
- It may also be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.
- The Investigating Officer will keep a written record of the investigation and findings and compile a report which will be given to the Head of Department/HR department. (A summary of this will also normally be sent to both the complainant and the person against whom the allegation has been made.)
- You will then be invited to attend a meeting which will be chaired by the Investigating Officer to whom the complaint was addressed (whichever is appropriate) to discuss the outcome and what action, if any, will be taken next, whilst maintaining level of confidentiality.
- A meeting will also be held by the Investigating Officer with the person against whom the allegation has been made to discuss the findings from the investigation.

### **Action Following the Investigation**

- If the investigation concludes that sexual harassment has occurred, prompt action will be taken to address it.

- Where the harasser is an employee, the matter will be dealt with as a case of gross misconduct under our Disciplinary Procedure.
- Employees should be aware that all allegations of sexual harassment are viewed extremely seriously and are likely to amount to gross misconduct which could result in dismissal without notice.
- Where the harasser is a third party, appropriate action might include speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.
- We will consider how best to manage the ongoing working relationship between the complainant and the alleged harasser and to repair working relationships. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties where possible and with consultation.
- Employees will not be penalised for raising a complaint, even if it is not upheld, unless the complaint was both untrue and made in bad faith. Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure will be subject to disciplinary action under our Disciplinary Procedure.
- Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.

### Appeal

- If you wish to appeal against the Company's decision this should be put in writing within 5 working days to a more senior manager whose name will be notified to you.
- An appeal meeting will then be arranged as soon as is reasonably practicable and usually within 10 working days. A more senior manager than the manager who conducted the feedback meeting will conduct the appeal and will carry out such further investigation as is deemed appropriate.
- You have the right to be accompanied by a work colleague or trade union representative to the appeal meeting.
- Following the meeting we will confirm our final decision in writing as soon as possible. This is the end of the procedure and there is no further right of appeal.

## Support for Employees

We offer confidential support through Sage Employee Benefits (EAP) to all employees. We may also provide reasonable adjustments during and after an investigation (e.g., temporary changes to duties, locations, rotas, or reporting lines), without detriment to pay or prospects, where appropriate.

## Residents/Visitors

The same principles outlined above are relevant to all home visitors and residents.

Should any resident or visitor highlight that they feel they have been subjected to sexual harassment, the Cluster Manager or Home Manager (or Deputy Manager in their absence) must be asked to speak with the resident/visitor as soon as practical.

It is the responsibility of the respective Heads of Department to highlight this policy to all their staff.

Any staff member found to have sexually harassed a resident or visitor, or any other third party, will be dealt with as a case of gross misconduct under our Disciplinary Procedure.

SBCHL recognises that residents may sometimes exhibit sexually inappropriate behaviour due to medical conditions. In such cases, we will work with healthcare and social care professionals to develop appropriate care plans while ensuring staff safety and dignity.

## Training

All staff will receive sexual harassment awareness training as part of their induction process. Refresher training will be provided annually or as deemed necessary. Managers and supervisors will receive additional training on handling sexual harassment complaints and creating a respectful workplace environment.

## Monitoring and Review

The policy on Sexual Harassment should be reviewed as required by the HR Director.

Policies will be reviewed as a minimum every three years. However, policies may need to be reviewed at any time in response to a specific incident, change in practice or regulation.