



## Sexual Harassment Policy

### Introduction

The Caldecott Foundation is committed to providing an inclusive and supportive working environment for everyone who works here. This includes zero-tolerance towards sexual harassment. We recognise that sexual harassment can occur both at work and outside the workplace, such as on business trips, at work-related events or social functions, or on social media.

This policy aligns with and supports the organisation's commitment to modelling the Code of Conduct, Model of Care, and the Foundations Policies, ensuring a safe, respectful, and inclusive workplace for all.

Sexual harassment of any member of staff, or anyone they come into contact with during the course of their work, is unlawful under the Equality Act 2010 and will not be tolerated.

We will treat such matters very seriously and this policy sets out how all employees, workers, consultants, self-employed contractors, agency workers and volunteers can seek support and report any unwanted behaviours.

This policy focuses specifically on the issue of sexual harassment. This policy aims to enable anyone to challenge sexual harassment and outline how we will deal with any complaints of sexual harassment that we receive. The policy aims to foster a safe culture at work, free from sexual harassment with an open and non-judgmental approach to disclosures. Anyone who is a victim of, or witness to, sexual harassment is encouraged to report it in accordance with this policy. This will enable us to take appropriate action and provide support.

The policy aims to make clear the standards of behaviour we expect from all who work here, consistent with The Foundation's Code of Conduct. The Foundation does not tolerate sexual harassment which will be addressed through The Foundation's disciplinary policy.

### Scope

This policy applies to all employees, workers, consultants, self-employed contracts, volunteers and third parties who interact with The Foundation. It covers sexual harassment that occurs in the workplace, during work-related events, in online communications between those it applies to or at external locations where employees are representing The Foundation.

### What is sexual harassment

Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature

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It also includes treating someone less favourably because they have submitted or refuse to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex in the past.

The law (Equality Act 2010) protects the following people against sexual harassment at work:

- Employees and workers
- Agency workers and contractors
- Self-employed people hired to personally work for The Foundation
- Job applicants

To meet the definition of sexual harassment, the unwanted conduct must have the purpose or effect of either:

- Violating someone's dignity, whether it was intended to or not.
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not.

A single incident can amount to sexual harassment, and it can be carried out or experienced by anyone of the same gender or different gender.

The person engaging in unwelcome behaviour does not have to intend to be sexually harassing the other person for the behaviour to be considered sexual harassment. Regardless of what was intended, sexual harassment is defined by the nature and the impact of the behaviour, not the intention behind it.

A key element of sexual harassment is that it is unwelcome.

Sexual harassment may include (but is not limited to) elements listed below:

- Inappropriate physical contact.
- Unwelcome touching, hugging, massaging or kissing.
- Unwelcome sexual advances, requests for sexual favours.
- Inappropriate comments, jokes or gestures of a sexual nature, which may be referred to as "banter".
- Display or sharing of sexually offensive or explicit materials.
- Spreading sexual rumours about a person.
- Online sexual harassment using any online medium.
- Stalk, intimidate, coerce, or threaten another person to get them to engage in sexual acts.
- Comments on someone's looks, dress, sexual orientation, or gender in a derogatory or objectifying manner or a manner that makes them uncomfortable.

A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's smartphone in the workplace.

### **Potential impact of sexual harassment**

The potential impact of sexual harassment in the workplace is wide-ranging and can affect individuals, teams and The Foundation as a whole.

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Sexual harassment can lead to individuals experiencing a wide range of emotional impacts and psychological distress which can also manifest through physical symptoms, damage to relationships and the erosion of self-worth and confidence.

Where sexual harassment is not dealt with effectively, it can damage culture and morale within a team or across the organisation, increase staff turnover and have legal consequences.

### **Circumstances which are covered**

This policy covers behaviour which occurs in the following situations:

- A work situation
- A situation occurring outside of the normal workplace or normal working hours which is related to work, e.g. a working lunch, a business trip or social functions.
- Outside of work situation (including online or socialising in person) involving a colleague or other person connected to the organisation.
- Against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

### **Roles and Responsibilities**

All Employees are responsible for:

- Not engaging in any sexually harassing behaviour as set out in the earlier “What is sexual harassment” section of this policy.
- Modelling appropriate behaviour in line with the organisation’s Policies, Code of Conduct and Relational Model of Care.
- Taking personal responsibility to raise concerns about any sexual harassment in the workplace, whether this was experienced personally or witnessed. Concerns should be raised with an appropriate manager.
- Contributing to a respectful and productive working environment.
- Being willing to help and support colleagues
- Treating any allegations or complaints of sexual harassment with appropriate confidentiality.
- Ensuring that a person is not victimised for making or being involved in a complaint of sexual harassment.

All Line Managers will:

- Model appropriate behaviour in line with the organisation’s Policies, Code of Conduct and Relational Model of Care.
- Undertake training to ensure they understand what sexual harassment is and their responsibilities for eliminating this in the workplace.
- Monitor the workplace, environment to ensure as far as practicable standards of conduct are always maintained, and that sexual harassment is not tolerated.
- Promote awareness of the avenues for advice and the complaints procedures with respect to sexual harassment as set out in this policy.
- Treat complaints and behaviour which may constitute sexual harassment seriously and take immediate action in line with organisational policy and procedures.
- Treat complaints of sexual harassment with appropriate sensitivity and confidentiality.

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- Ensure that a person is not victimised for making or being involved in a complaint of sexual harassment.

The Human Resources department will be responsible for:

- Ensuring that there are clear processes in place for raising complaints.
- Clearly communicate and promote these processes amongst employees.
- Identify potential risk factors and taking prompt, reasonable action to minimise those risks.
- Ensure information and training to support effective implementation of this policy is accessible.
- Offer guidance to employees and managers in the interpretation of this policy and any relevant guidance.

### **What to do if you are subject to sexual harassment at work**

We are committed to ensuring that there is no sexual harassment or victimisation in our workplace. Allegations of sexual harassment and victimisation will be treated as a disciplinary matter (if the harasser is an employee), although every situation will be considered on an individual basis and in accordance with the principles of our disciplinary procedures. If the harasser is a worker, then similarly fair procedures will be adopted before any decision is taken to reprimand the individual or terminate their engagement (refer to the Third party sexual harassment section below).

We will take into account any aggravating factors, such as abuse of authority, when deciding the appropriate disciplinary action to take.

### **Third party sexual harassment**

Third-party harassment occurs when a colleague is subjected to harassment by someone who is not employed by The Foundation but who is encountered in connection with work. This includes our workers, consultants, visitors and contractors. Third-party harassment of our workforce will not be tolerated.

This policy covers behaviour by third parties towards a colleague which occurs in the following situations:

- A work situation.
- A situation occurring outside of the normal workplace or normal working hours which is related to work, e.g. a working lunch or a social event with colleagues.
- Outside of a work situation but against a colleague or other person connected to the organisation, including on social media.

The Foundation strictly prohibits sexual harassment by or toward any employee, contractor, or third party. Any such conduct by a third party will not be tolerated and will be addressed promptly and effectively.

Employees who experience or witness sexual harassment by a third party should report the incident as soon as possible to their line manager or a member of the HR team.

Once a report is made, The Foundation will:

- Conduct a prompt and impartial investigation

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- Take appropriate action, which may include:
  - Limiting or ending the business relationship with the third party
  - Reporting the behaviour to the third party's employer
  - Legal action, if warranted

#### **Informal Complaints**

If a person reports sexual harassment to a line manager, senior manager or the HR department but does not want to take the matter any further, the individual receiving the complaint will keep in contact with them to periodically check whether the situation has improved.

Although the wishes of the complainant to keep the matter informal will be adhered to wherever possible, there may be some circumstances where the organisation will pursue the matter formally. This includes where there are safeguarding concerns, the accused has a relevant history or, harassment is of such a serious nature that The Foundation will need to act because of the high immediate risk to the safety of the complainant or others with whom the accused may come into contact. In such situations the employer will put in place appropriate safeguards, such as a transfer to another department or suspension to prevent further harassment of the complainant.

If you are the victim of sexual harassment, you should make it clear to the harasser that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you can do this in writing to the harasser. Support will be made available through this process from your line manager and/or the HR team if requested.

If you are not certain whether an incident or series of incidents amounts to sexual harassment, you should initially contact your line manager or the HR Department informally for confidential advice.

If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out below or refer to our Grievance Procedure.

#### **Formal Reporting**

Employees who experience sexual harassment should report the incident to their line manager or the HR department, in the absence of either please report incidents to the Business Manager. If the individual does not feel comfortable reporting to their direct line manager, they may escalate the issue directly to another senior leader.

Reports can be made in writing via email or in person. Employees should include full details of the conduct in question, including the date, time, location of the incident, the name of the alleged harasser, the names of any witnesses and any action already taken to stop the alleged harassment.

Upon receiving a report of sexual harassment, the person receiving the complaint will acknowledge receipt within 24 hours and notify the HR team to assist with providing initial support.

All reports of sexual harassment will be treated confidentially. Information will only be shared with relevant parties in investigating and resolving the complaint. Any breach of confidence will be treated as a serious matter.

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An impartial investigator will be assigned to conduct a thorough investigation. In some cases an external investigator may be brought in to ensure impartiality, for example, where the complaint involves a senior leader. An external investigator may also be used where there are insufficient internal resources to conduct an investigation within a reasonable timescale.

Following this, the process will be conducted in line with the organisation's established investigation procedures and Disciplinary Policy.

#### **What to do if you witness unwanted conduct of a sexual nature**

You do not have to be the recipient or target of sexual harassment to raise a concern or make a complaint. If you see it happening or become aware of it, you should report it. If you feel able, you should intervene to prevent the matter continuing, however, in doing so you should not take any action that may put you at risk of harm. If you are not able to do this, your actions may include offering support to the victim and encouraging them to report the incident and reporting the incident yourself.

If you have an incident to report, you should bring the matter to the attention of a member of the HR team in writing via email. Your concerns will be handled by a member of the HR team who will sensitively talk to the person subject to sexual harassment to determine how they want the matter to be handled. **Preventative Measures**

This policy will be shared with all employees during induction and made accessible via TriX.

All third parties, such as contractors, will be informed of our zero-tolerance stance on sexual harassment, which will be outlined in contractual agreements and/or The Foundation's 'Sexual Harassment Commitment' statement which they will be required to agree to.

All employees will undergo mandatory training on sexual harassment at least once per year. This will cover recognising inappropriate behaviours, reporting procedures, and the organisations commitment to a harassment-free environment.

Managers will receive additional training on how to handle reports of sexual harassment effectively and sensitively.

An organisational risk assessment will be in place and reviewed annually, or in response to an incident, to identify and mitigate potential risks of sexual harassment. In line with this risk assessment, specific assessment of risks associated with sexual harassment must be in place in the following situations:

- Where a colleague is the sole representative of The Foundation (isolated working) and will be in contact with third parties.
- Any company run event whether held onsite, offsite, within normal working hours or outside of normal working hours.
- Where there is a work requirement or necessity for colleagues to sleep which includes sleep-in duties and overnight stays.
- Where work duties require physical contact between colleagues which includes the practical element of our PRICE training.

As a minimum, any risk assessment must make explicit how expectations on conduct will be set and communicated to those taking part in the activity.

#### **Employee assistance programme (EAP)**

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Employees have access to The Foundation's EAP (provided through Medicash) which we would like to encourage you to use if you feel you would like to talk to someone outside of the organisation about your situation. More details of this service are available from the HR department.

#### **Disciplinary action**

Any employee found to have violated this policy will face disciplinary action in line with The Foundation's Disciplinary Policy, which may include:

- Suspension during any formal investigation
- A formal disciplinary outcome including verbal warning, first written warning, final written warning or termination of employment for gross misconduct.
- Mandatory training or other reasonable management actions designed to reduce the likelihood of sexual harassment reoccurring in the future.

#### **Appeals**

If you are not satisfied with the outcome you may appeal in writing to your line manager or the HR Department, stating your full grounds of appeal, within 14 calendar days of the date on which the decision was sent or given to you.

The Foundation will hold an appeal meeting at the earliest opportunity, normally within 21 calendar days of receiving your written appeal. Where practical, the appeal hearing will be conducted by a senior manager who has not been previously involved in the case and is senior to the individual who conducted the previous meeting. They may ask anyone else previously involved to be present.

The Foundation will confirm the final decision in writing, usually within 7 calendar days of the appeal hearing. This is the end of the procedure and there is no further appeal.

#### **Monitoring and review**

This policy will be reviewed annually, or sooner if required by legal changes, to ensure it remains effective and reflective of current best practices. All incidents of sexual harassment will be logged and reviewed by our HR Manager with learning identified to ensure the likelihood of further incidents of sexual harassment is reduced.

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