



## Review Sheet



Last  
Reviewed  
1 Oct 2025



Last  
Amended  
30 Sep 2025



This policy will be reviewed as needs require or at the following interval:  
Annual

Business Impact:



These changes require action as soon as possible.

Reason for this Review:

Scheduled review

Changes Made:

Yes

Summary:

This policy has been reviewed and updated to take into account the proposed changes under the Employment Rights Bill which proposes to place an obligation on employers to take "all reasonable steps" to prevent harassment in the workplace, currently they are only required to take "reasonable steps". The references have also been checked and updated.

Relevant Legislation:

- Equality Act 2010
- Health and Social Care Act 2008 (Registration and Regulated Activities) (Amendment) Regulations 2015
- Data Protection Act 2018
- UK GDPR
- The Protection from Harassment Act 1997
- The Worker Protection (Amendment of Equality Act 2010) Act 2023

Underpinning Knowledge:

- Author: GOVERNMENT, (2010), Section 26 Equality Act 2010 [Online] Available from: <https://www.legislation.gov.uk/ukpga/2010/15/section/26> [Accessed: 01/10/2025]
- Author: GOVERNMENT, (1997), Protection from Harassment Act 1997 [Online] Available from: <https://www.legislation.gov.uk/ukpga/1997/40/contents> [Accessed: 01/10/2025]
- Author: GOVERNMENT, (2024), Worker Protection (Amendment of Equality Act 2010) Act 2023 [Online] Available from: <https://www.legislation.gov.uk/ukpga/2023/51/contents> [Accessed: 01/10/2025]

Suggested Action:

- Encourage sharing the policy through the use of the QCS App

Equality Impact Assessment:

QCS have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate unlawful



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discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law.

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Kelly Allman



## 1. Purpose

**1.1** To set out a framework for staff to understand the policies and procedures which are in place to prevent sexual harassment from occurring and what their obligations are in relation to sexual harassment in the workplace.

**1.2** This can be used to deal with any sexual harassment that occurs by staff (which may include consultants, contractors and agency workers) and also by third parties such as Service Users, suppliers or visitors to Humbercare Ltd.

### 1.3

#### Key Question

#### Quality Statements

SAFE	QSS3: Safeguarding
SAFE	QSS4: Involving people to manage risks QSS5: Safe environments
SAFE	QSS1: Learning culture

### 1.4 Relevant Legislation

- Equality Act 2010
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- Data Protection Act 2018
- UK GDPR
- The Protection from Harassment Act 1997
- The Worker Protection (Amendment of Equality Act 2010) Act 2023



## 2. Scope

### 2.1 Roles Affected:

- All Staff

### 2.2 People Affected:

- Service Users
- Family
- Staff

### 2.3 Stakeholders Affected:

- Family
- Commissioners



## 3. Objectives



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**3.1** To prevent sexual harassment in the workplace.

**3.2** To ensure that staff understand the policies and procedures at Humbercare Ltd that are in place to prevent sexual harassment.



## 4. Policy

### 4.1 Sexual Harassment

Humbercare Ltd does not tolerate any form of sexual harassment.

Sexual harassment may include, for example:

- Flirting, gesturing, or making sexual remarks about someone's body, clothing or appearance
- Asking questions about someone's sex life
- Telling sexually offensive jokes
- Unwanted physical conduct or 'horseplay', including touching, pinching, pushing and grabbing
- Continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome
- Sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet) – note this can be a criminal offence too
- Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless)
- Offensive emails, text messages or social media content

### 4.2 Less Favourable Treatment

Sexual harassment also includes treating someone 'less favourably'. This can happen when someone experiences less favourable treatment because of how they responded to previous sexual harassment. This will apply whether the person rejected or accepted the previous harassment.

For example, a member of staff receives several sexual advances from their manager but rejects them. Later, during a performance review, the manager gives the member of staff a poor performance score, despite them being regularly praised by others. This treatment is likely because of the member of staff's rejection of the manager's advances.

**4.3** A member of staff can be sexually harassed even if they were not the intended target of the sexual harassment.

For example, a person may be sexually harassed by pornographic images displayed on a member of staff's computer in the workplace or being a witness to sexual harassment conduct.

### 4.4 Victimisation

Victimisation happens when someone is treated less favourably as a result of being involved with a sexual harassment complaint.

Victimisation may include, for example:



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- Not allowing someone an opportunity because it is felt they might make a complaint about sexual harassment
- Leaving someone out because they have raised a grievance about sexual harassment
- Not promoting someone because they accompanied a member of staff to a grievance meeting about sexual harassment complaints
- Dismissing someone because they gave evidence in relation to a sexual harassment complaint
- Being labelled a 'troublemaker'
- Not being allowed to take part in activities or opportunities

**4.5** Humbercare Ltd will not tolerate any form of sexual harassment, less favourable treatment or victimisation. They are all unlawful and may lead to disciplinary action up to and including dismissal, if they occur:

- In a work setting
- In any situation related to work, such as at a social event with colleagues
- Against another member of staff or other person connected to them outside of a work situation, including on social media
- Against anyone outside of a work situation where the incident is relevant to the suitability of the person to carry out their role

When considering whether disciplinary action should be taken, Humbercare Ltd will consider aggravating factors, such as any abuse of power over a more junior member of staff.

### **4.6 Third Party Harassment**

Third-party harassment is where a person is harassed or sexually harassed by someone who does not work for, and who is not an agent of, Humbercare Ltd, but they have come into contact during their employment. Third-party harassment could include, for example, unwelcome sexual advances from someone attending or visiting the premises of Humbercare Ltd, or where a member of staff is visiting someone in the course of their employment.

Examples of third parties include:

- Service Users
- Clients who attend for meetings or professional visits
- Patients for example in hospitals
- Business contacts at conferences or meetings
- Family members of Service Users
- Members of the public

The law requires Humbercare Ltd to take reasonable steps to prevent sexual harassment, including sexual harassment by third parties. Any sexual harassment by a member of staff against a third party may lead to disciplinary action up to and including dismissal.

**4.7** Employers have a duty to take reasonable steps to prevent sexual harassment in the workplace. However, it should be noted that a proposal is being made under the Employment Rights Bill to make it a duty for employers to take "all reasonable steps" to prevent sexual harassment.



## 5. Procedure

### 5.1 Steps to Prevent Sexual Harassment

Humbercare Ltd is committed to having a workplace that is free from sexual harassment by other members of staff and any third parties.

Humbercare Ltd will raise awareness of its policies amongst its staff and remind them of the existence of the policy and what it contains, highlighting the policy's key messages. Humbercare Ltd may communicate the policies and their contents using the following methods:

- Noticeboards
- Staff meetings
- Reminders ahead of events where Humbercare Ltd believes the risk of sexual harassment increases (such as Christmas parties)

**5.2** Regular training will be conducted to educate employees on recognising, reporting and preventing sexual harassment. Additional training may be provided to senior members of staff to make sure that they know what to do when they receive a report or complaint of harassment, are investigating complaints, taking disciplinary action and supporting staff.

**5.3** Humbercare Ltd has a culture of zero tolerance relating to sexual harassment which is supported by senior management. Humbercare Ltd encourages staff to **tackle and report** inappropriate behaviour. There are various methods by which a complaint or report can be raised. Please see section 5.10 below.

**5.4** Humbercare Ltd has a thorough investigation procedure in place when there is a report of sexual harassment so that complaints are dealt with effectively, promptly and in a sensitive way.

**5.5** Mrs Dale Thompson and all other senior members of staff must follow the procedures set out in this policy and address sexual harassment complaints promptly and impartially.

**5.6** Humbercare Ltd will conduct regular risk assessments to assess the risks that staff face in the course of their employment with Humbercare Ltd, and take appropriate steps to reduce the risk. This may include making changes to lone working, gender power imbalances, third party contact and social media.

**5.7** Humbercare Ltd is committed to promoting diversity and inclusion.

Humbercare Ltd wants to grow a culture of respect and promote awareness and sensitivity to the experiences of all staff, including those who may be more vulnerable to harassment.

**5.8** Humbercare Ltd will review this policy regularly to ensure it is kept up to date and monitor its effectiveness.

### 5.9 Informal Steps for Staff to Follow if they are Being Sexually Harassed

If a member of staff is being sexually harassed, the member of staff should consider whether they feel able to raise the problem informally with the person responsible. The member of staff should explain clearly to them that their behaviour is not welcome or makes them uncomfortable. If this is too difficult, the member of staff should speak to their line manager or the HR Department, who can provide confidential advice and assistance in resolving the issue formally or informally.

If the member of staff feels unable to speak to their line manager because the complaint concerns them, they should speak informally to the HR Department or another manager. If this does not resolve the issue, the member of staff should follow the formal procedure below.



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If informal steps are not appropriate, or have been unsuccessful, the member of staff should follow the formal procedure.

### **5.10 Raising a Formal Complaint to Humbercare Ltd**

In cases of sexual harassment, there is no specific form for raising issues and the complaint should be raised in a way that the member of staff feels comfortable with. There are multiple reporting channels available to report harassment. Reports can be made under the Grievances Policy and Procedure or Raising Concerns, Freedom to Speak Up and Whistleblowing Policy and Procedure at Humbercare Ltd.

When reporting, members of staff can do so to their line manager, HR or to another manager or director. This is to ensure that they are not required to report an incident to the perpetrator or someone whom they may feel may not be able to deal with the complaint objectively. Please see section 5.11 on how to raise a formal complaint.

**5.11** If a member of staff wants to make a formal complaint about sexual harassment or victimisation, they should submit it in writing to their line manager. If the matter concerns their line manager, they should submit it to the HR Department or another manager.

Their written complaint should include full details of the conduct, including the name of the harasser, the nature of the sexual harassment, the date(s) and time(s) on which it happened, the names of any witnesses and any action that has been taken so far to attempt to stop it from happening.

As a general principle, the decision whether to progress a complaint is up to the member of staff making the complaint. However, Humbercare Ltd has a duty to protect all staff and may progress the matter independently if appropriate to do so.

Humbercare Ltd will treat all complaints confidentially and sensitively and will deal with the issue promptly.

There is no time limit on when a member of staff can make a complaint under this policy.

### **5.12 Formal Investigation Process**

Humbercare Ltd takes all complaints of sexual harassment seriously and will investigate complaints in a timely, respectful and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it.

Humbercare Ltd will arrange a meeting with the member of staff, usually within one week of receiving their complaint, so that they can give their account of events. They have the right to be accompanied by a colleague or a trade union representative of their choice, who must respect the confidentiality of the investigation.

Humbercare Ltd will undertake an investigation into the allegations and all investigations will be thorough, impartial and objective. To discuss the outcome of the investigation, Humbercare Ltd will invite the member of staff to a meeting, usually within five days of the first meeting outlined above. However, this may be longer if further investigations are required. The member of staff has the right to be accompanied to this meeting by either a fellow colleague or a trade union representative.

Where the complaint is about a member of staff, Humbercare Ltd may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged harasser, who may also be accompanied by a colleague or trade union representative of their choice, to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.



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Where the complaint is about someone other than a member of staff, such as a Service User, supplier or visitor, Humbercare Ltd will consider what action may be appropriate to protect the member of staff 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, Humbercare Ltd will attempt to discuss the matter with the third party.

Humbercare Ltd will also consider any request that the member of staff makes for changes to their working arrangements during the investigation. For example, they may ask for changes to their duties or working hours to avoid or minimise contact with the alleged harasser.

It may be necessary to interview witnesses to any of the incidents mentioned in the complaint. If so, Humbercare Ltd will emphasise the matter is confidential (subject to any personal legal or regulatory obligations or rights) and that a breach of confidentiality will be a disciplinary offence.

At the end of the investigation, the investigator will submit a report to a senior manager. The senior manager will consider the matter further and arrange a meeting with the member of staff, usually within seven days of receiving the report, in order to discuss the outcome and what action, if any, should be taken. They have the right to bring a colleague or a trade union representative to the meeting. A copy of the report and the senior manager's findings will be given to the member of staff making the complaint and to the alleged harasser.

### **5.13 Manager's Responsibilities**

When a sexual harassment complaint is raised, it is important that it is handled promptly and appropriately. Here are the steps a manager should take:

- Take the complaint seriously:
  - Speak with the HR department for support where appropriate
  - Acknowledge the seriousness of the complaint. Show empathy and assure the person making the complaint that their concerns will be addressed
  - Maintain confidentiality
- Investigate promptly:
  - Begin an investigation as soon as possible. Gather relevant information and evidence
  - Maintain confidentiality during the investigation
- Act fairly and sensitively:
  - Treat all parties involved fairly. Avoid making assumptions or judgements
  - Do not downplay the complaint, or suggest that it is not serious
- Communicate transparently:
  - Inform everyone involved about the process that will be followed
  - Keep an open mind and avoid letting personal views influence any actions
- Follow the procedure set out in this policy
- Remember, handling sexual harassment complaints requires sensitivity, fairness, and procedures must be followed

### **5.14 Action Following the Investigation**

If the senior manager considers that there is a case to answer and the harasser is a member of staff, the matter will be dealt with as a case of possible misconduct or gross misconduct under the Discipline Policy and Procedure at Humbercare Ltd. The



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investigation by Humbercare Ltd into the complaint may be put on hold pending the outcome of the disciplinary procedure. Where the disciplinary outcome is that sexual harassment occurred, prompt action will be taken to address it.

Humbercare Ltd may explore, in certain cases, whether mediation is appropriate. There may be a need for additional training for the harasser, either internally or externally. All staff are encouraged to consider engaging in mediation where it is offered as a solution, although Humbercare Ltd recognises that mediation will not always be appropriate.

If the harasser is a third party, such as a Service User or other visitor, Humbercare Ltd will look to clarify the behaviour expected or in very serious cases, ban them from the premises and/or terminate the contract with them.

Whether or not the complaint is upheld, Humbercare Ltd will consider how best to manage the relationship between the member of staff making the complaint and the person concerned. It may be appropriate to arrange some form of mediation or counselling, or to change the duties, working location or reporting lines of one or both parties.

Any staff member who deliberately provides false information in bad faith, or who otherwise acts in bad faith as part of an investigation, may be subject to action under the Discipline Policy and Procedure at Humbercare Ltd. However, a member of staff making a complaint will not be disciplined or treated detrimentally because the complaint has not been upheld.

### **5.15 Appeals Process**

If the member of staff is not satisfied with the outcome they may appeal in writing to the line manager or the HR Department, stating their full grounds of appeal, within one week of the date the outcome was given. The member of staff should state the full grounds upon which the appeal is based.

Humbercare Ltd will hold an appeal meeting, normally within seven days of receiving the written appeal. Where practicable, the appeal hearing will be conducted by an impartial senior manager who has not been previously involved in the case. They may ask anyone previously involved to be present. The member of staff has the right to bring a colleague or trade union representative to the meeting.

Humbercare Ltd will confirm the final decision in writing, usually within seven days of the appeal hearing. This is the end of the procedure and there is no further appeal.

### **5.16 Witnessing Sexual Harassment or Victimisation**

If a member of staff witnesses sexual harassment or victimisation, Humbercare Ltd strongly encourages them to take appropriate steps to report it. This is key to helping Humbercare Ltd remove sexual harassment from the workplace. Depending on the circumstances, this could include:

- Intervening where able to do so:
  - If a member of staff witnesses someone being sexually harassed, they should consider stepping in to stop it if safe to do so
  - Consider their own safety properly before doing so
- Supporting the victim to report it or reporting it on their behalf:
  - Encourage the person who experienced sexual harassment to make a formal complaint. Offer emotional support and let them know they are not alone. Remind them of this policy
- Reporting what they have seen where they feel that there is a further risk if it is not reported:



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- Document the incident by making a note of details such as dates, times, and names of those involved. Their account can be valuable evidence if the victim decides to take further action
- If the victim files a complaint or if there is an investigation, the member of staff should be prepared to give evidence as a witness. Their testimony can strengthen the case against the harasser
- Co-operate in any investigation
- Make their own complaint:
  - If witnessing the harassment affects the member of staff personally, they can make a sexual harassment complaint themselves. They do not need the victim's permission to do so
  - They must not be victimised for making or supporting a complaint or acting as a witness. This means they should not be treated unfairly or stopped from giving evidence

All witnesses will be provided with appropriate support, and steps will be taken to protect the witness from victimisation or being subjected to a detriment by any other worker.

Supporting victims and taking action against harassment contributes to a safer workplace for everyone.

### 5.17 Support for Victims of Harassment

Staff who make complaints, report that they have witnessed wrongdoing, or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the Discipline Policy and Procedure at Humbercare Ltd.

If a member of staff believes that they have suffered any poor treatment as a result of their involvement, they should inform their line manager or the HR Department. If it is still not sorted, they can raise it formally using the Grievances Policy and Procedure.

Humbercare Ltd will monitor the treatment and outcomes of any complaints of sexual harassment or victimisation to make sure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, cultural clashes are identified and resolved and workforce training is targeted where needed.

If a member of staff needs support or advice in relation to an incident dealt with under this policy, they can use the following support services:

- The Equality Advisory and Support Service ([www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com))
- Protect ([www.protect-advice.org.uk](http://www.protect-advice.org.uk))
- Rape crisis ([www.rapecrisis.org.uk](http://www.rapecrisis.org.uk))
- Rights of women (England and Wales) ([www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk))
- Victim Support - recommended by Mind charity. Call on 0808 168 9111, or email [victimsupport.org.uk](mailto:victimsupport.org.uk). The helpline provides emotional and practical support for people affected by crime and traumatic events
- National Stalking Helpline – Call the helpline on weekdays on 0808 802 0300, or email [advice@stalkinghelpline.org](mailto:advice@stalkinghelpline.org)
- Crimestoppers – To provide information about a crime without talking to the police, contact Crimestoppers anonymously on 0800 555 111



### 5.18 Reporting Outcomes, Confidentiality and Record Keeping

Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a 'need to know' basis. Breach of confidentiality may give rise to disciplinary action under the Discipline Policy and Procedure at Humbercare Ltd.

When appropriate and possible, where a complaint is upheld, the complainant will be advised of the action that has been taken to address their specific complaint and any measures put in place to prevent a similar event happening again.

Information about a complaint by, or about, a staff member, may be placed on their personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

This policy is intended to ensure a safe and respectful working environment for all staff. All staff are expected to familiarise themselves with this policy and contribute to creating a workplace free from sexual harassment.



## 6. Definitions

### 6.1 Sexual Harassment

- Any unwelcome conduct, advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature that interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Examples include unwanted comments, gestures, inappropriate jokes, or any form of unwarranted sexual attention. A single incident can amount to sexual harassment

### 6.2 Less Favourable Treatment

- When someone experiences less favourable treatment because of how they responded to previous harassment. It applies whether the person rejected or accepted the previous harassment

### 6.3 Victimisation

- When someone is treated less favourably as a result of being involved with a discrimination or harassment complaint, including sexual harassment complaints. Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:
  - Bringing a claim under the Equality Act 2010
  - Giving evidence or information in connection with a claim under the Equality Act 2010
  - Doing any other thing for the purposes of, or in connection with, the Equality Act 2010 (i.e. being a witness and supporting a fellow colleague's complaint of discrimination/sexual harassment)
  - Alleging that a person has contravened the Equality Act 2010 (i.e. via a grievance)



## 7. Key Facts - Professionals

Professionals providing this service should be aware of the following:

- From 26 October 2024, employers have a duty to take reasonable steps to prevent sexual harassment in the workplace
- Sexual harassment in any form is not tolerated
- Any complaints of sexual harassment must be dealt with in a timely manner
- Any complaints of sexual harassment must be dealt with confidentially and sensitively
- Proposals under the Employment Right Bill propose to amend the obligation on employers to take "all reasonable steps" to prevent sexual harassment in the workplace



## 8. Key Facts - People Affected by The Service

People affected by this service should be aware of the following:

- Humbercare Ltd has a no tolerance policy to sexual harassment
- Humbercare Ltd takes all allegations of sexual harassment seriously, and where proven, will not hesitate to take disciplinary action
- Members of staff can be assured that any complaint they make will be treated in the strictest confidence and will be investigated in a prompt and timely manner



## Further Reading

### **EHRC - Sexual Harassment and Harassment at Work - Technical Guidance**

<https://www.equalityhumanrights.com/guidance/sexual-harassment-and-harassment-work-technical-guidance>

### **ACAS - Sexual Harassment:**

<https://www.acas.org.uk/sexual-harassment>

### **EHRC - Employer 8-Step Guide: Preventing Sexual Harassment at Work:**

<https://www.equalityhumanrights.com/employer-8-step-guide-preventing-sexual-harassment-work>

### **CIPD - Get Ready for New Duty to Prevent Sexual Harassment**

<https://www.cipd.org/uk/views-and-insights/thought-leadership/cipd-voice/new-duty-to-prevent-sexual-harassment/>

### **ACAS - Employment Rights Bill:**



<https://www.acas.org.uk/employment-rights-bill>



## Outstanding Practice

To be "outstanding" in this policy area you could provide evidence that:

- The wide understanding of the policy is enabled by proactive use of the QCS App
- All steps are taken to prevent sexual harassment in the workplace
- Humbercare Ltd engages with employees so that they are aware of the new policy on sexual harassment
- Humbercare Ltd ensures that managers are specially trained on how to deal with sexual harassment in the workplace
- Humbercare Ltd ensures regular open dialogue with employees so that they are able to report any concerns without fear of reprisals, bullying or harassment

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