



## **Anti-Harassment Policy**

Implemented: 1<sup>st</sup> May 2025

## **1.0 Introduction**

Oak Tree Housing Association (OTHA) is committed to providing a positive experience whilst at work for all our employees, agency workers, consultants, as well as those who engage in work related interactions or transactions within Oak Tree including our properties. OTHA have a zero-tolerance approach to sexual harassment.

This policy sets out OTHA's expectations of behaviour by all and provides information on how we will deal with complaints of sexual harassment.

## **2.0 Definitions**

The Equality Act 2010 defines sexual harassment as 'conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment'. Sexual Harassment is unlawful under the Equality Act 2010. It is also unlawful to treat someone less favourably because they have submitted a complaint of sexual harassment or have rejected such a behaviour.

Sexual harassment includes a wide range of behaviours including but not limited to:

- Making sexual remarks about a colleague's body, clothing or appearance.
- Suggestive looks, staring, or leering.
- Propositions and sexual advances.
- Sexual gestures.
- Emailing, texting or messaging sexual content.
- Unwelcome touching, hugging, massaging or kissing.
- Sexual comments or offensive jokes.
- Making sexual comments or jokes about someone's sexual orientation or gender reassignment.
- Displaying or sharing sexually graphic images, or other sexual content.
- Criminal behaviour, including sexual assault, stalking, grooming, indecent exposure and sending offensive communications.

Sexual harassment can be a singular event or something that is an ongoing pattern of behaviour. Sexual harassment may be physical, verbal or non-verbal conduct. It can occur face to face or can be done by email, phone calls, online and on social media. Sexual harassment may occur at work or outside work.

Sexual conduct that has been welcomed previously can become unwanted, the person in receipt of the behaviour decides whether it is unwanted. An individual can experience sexual harassment from someone of the same or different sex.

Sexual interactions that are invited, mutual and consensual are not considered as sexual harassment.

### **3.0 Behaviour expectations**

OTHA expects you to follow the expectations as set out within the Code of Conduct. Any Sexual Harassment by employees towards others in connection with work will be considered under the Disciplinary/Grievance procedure detailed within OTHA T&C's. Action taken under this procedure can include up to and including dismissal. Sexual harassment may constitute gross misconduct and may result in dismissal.

### **4.0 Preventative Duties**

The Worker Protect Act (Amendment Equality Act 2010) requires employers to take reasonable steps to prevent sexual harassment. OTHA has taken preventative steps to ensure a workplace free from any sexual harassment. In addition to this policy, a risk assessment has been completed to assess the risks and preventative steps include:

- **Engage with teams** – Through full staff team meetings, section meetings, 1:1 meetings, staff surveys and exit interviews.
- **Training & Development** – Specific training provided for staff and management.
- **Dealing with complaints** – Through a robust process, where managers are fully trained to handle such complaints confidentially and sensitively.
- **Third party complaints** – Training managers and staff on how to handle complaints and by sharing our policy and code of conduct/expectations with third parties.
- **Reporting** – Through an effective reporting procedure, an anonymous complaints process and open communication.
- **Monitor and evaluate policy and complaints** – learning from incidents, reviewing the policy regularly, reviewing trends on complaints and taking action to rectify cultural concerns.

### **5.0 Reporting procedure & dealing with all sexual harassment complaints.**

Allegations should always be taken seriously, and action taken as quickly as possible to stop any further inappropriate behaviour identified. Where possible, breaches of this policy should be dealt with informally in the first instance. Dependant on the serious nature of some complaints, together with the risk to the safety of the complainant and others, we may need to take formal action immediately.

### **5.1 Informal stage**

In managing the issue informally employees should:

1. In the first instance alert their line manager to the behaviour.
2. Thereafter the employee should be encouraged by the line manager, and with their support, to approach the individual and highlight what behaviour has been offensive. Should the employee be uncomfortable with this then the line manager should approach the individual and have the same discussion.
3. A note should then be put on file of the person who has displayed the inappropriate behaviour and the individual that raised the issue.

### **5.2 Formal Stage**

If the behaviour is of a more serious nature or it continues after the informal approach has been taken, then the issue should be dealt with by mirroring OTHA's grievance procedure.

1. The employee must put their concerns in writing and give this to their line manager.
2. The line manager should then arrange a meeting with the employee who has highlighted the concerns. At this meeting the manager should establish what the concerns are, and how the employee would like things resolved.
3. The manager should then conduct any necessary investigations. No investigation should take place prior to there being a meeting with the employee.
4. Once the investigation has been concluded, there could be a variety of outcomes including:
  - There is no evidence to uphold the complaint.
  - There is evidence that may involve action against another employee which will be managed through OTHA's disciplinary policy.
  - Learning is identified on an organisational basis.

Where action is required against another employee, agency worker or consultant this will follow the organisation's disciplinary procedures. Where action is taken regarding a member of staff other than the person who raised the complaint, the complainant will not be informed of any action taken against other individuals.

### **6.0 Anonymous complaint**

We may receive anonymous allegations of sexual harassment through the "Whistle-blowing procedure". While we recognise that it can be difficult to investigate such complaints, OTHA will conduct as thorough an investigation as possible, given the information available. This will always include informing the accused person that a complaint has been received about them.

## **7.0 Third Party Sexual Harassment**

OTHA will also take reasonable steps to prevent any sexual harassment by third parties, as required by the Worker Protection Act 2023. A third party can be defined as “any individuals or entities who are not directly employed by Oak Tree HA but who interacts with employees, agency workers, consultants and tenants/customers in the course of our business activities”. This would include, but not limited to:

- Contractors.
- Suppliers.
- Service providers.
- Clients, customers, and tenants.
- Volunteers.
- Board members.
- External partners.

Employees, agency workers and consultants are encouraged to report any sexual harassment, which may involve a third party.

OTHA will follow the process as detailed within ‘Procedure for dealing with all Sexual harassment complaints’ section.

When a complaint is received OTHA will ensure that steps are taken to protect the individual raising the complaint. OTHA will take steps to remedy a complaint and action to prevent this from happening again.

Examples of action OTHA may take, but not limited to are:

- Warning a third party about their behaviour.
- Banning a third party.
- Reporting any criminal acts to the police.
- Sharing information with other part of the business.

## **8.0 Support for those affected or involved.**

We understand that anyone affected by, or involved with, a complaint relating to sexual harassment, or a breach of this policy may feel anxious or upset and we will do what we can to support you during this period.

As an employee of OTHA, you also have access to our confidential counselling service provided by Rowan Consultancy. Contact details below:

[www.rowan-consultancy.co.uk](http://www.rowan-consultancy.co.uk)

The confidential telephone line is open between 9am and 4pm.

Tel: 01738 562005

## **9.0 Witness to unwanted conduct of sexual nature**

Tackling sexual harassment is everybody's responsibility. 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 in line with **'Reporting procedure & dealing with all Sexual harassment complaints'** if you feel able to do so. Your actions can be important in helping create a culture free from sexual harassment.

## **10.0 Individuals found to be in breach of the principles of this policy.**

Where individuals are found to be in breach of this policy whether that be employees, agency worker and consultants, this will be dealt with in accordance with OTHA's Code of Conduct, Disciplinary Procedure, Grievance Procedure and any other relevant policies. This may result in disciplinary action up to and including dismissal.

## **11.0 Policy Review**

This policy and the procedure will be reviewed at least every 2 years or sooner if it is affected by legislative or other significant changes.

## **11.0 General Data Protection Regulations**

OTHA will treat your personal data in line with our obligations under the current data protection regulations and our own Privacy Policy. Information regarding how your data will be used and the basis for processing your data is provided in OTHA's employee fair-processing notice.

**This policy has been assessed with law, regulatory standards and good practice. This covers all relevant protected characteristics. The policy is therefore likely to have a positive effect in respect of equality issues.**

## Sexual Harassment Risk Assessment Template

Organisation/ Area/Dept covered by this risk assessment	
Assessor	
Date of Risk Assessment	
Risk Assessment Sign Off	
Review Date	

Risk factors	Who might be at risk and why (list all that apply):	How we have assessed the risk:	Steps already taken to reduce those risks:	Further action necessary:	Who is responsible for taking action?	Date action to be completed?	Complete	Any remaining significant risks:
<b>Colleagues</b>								