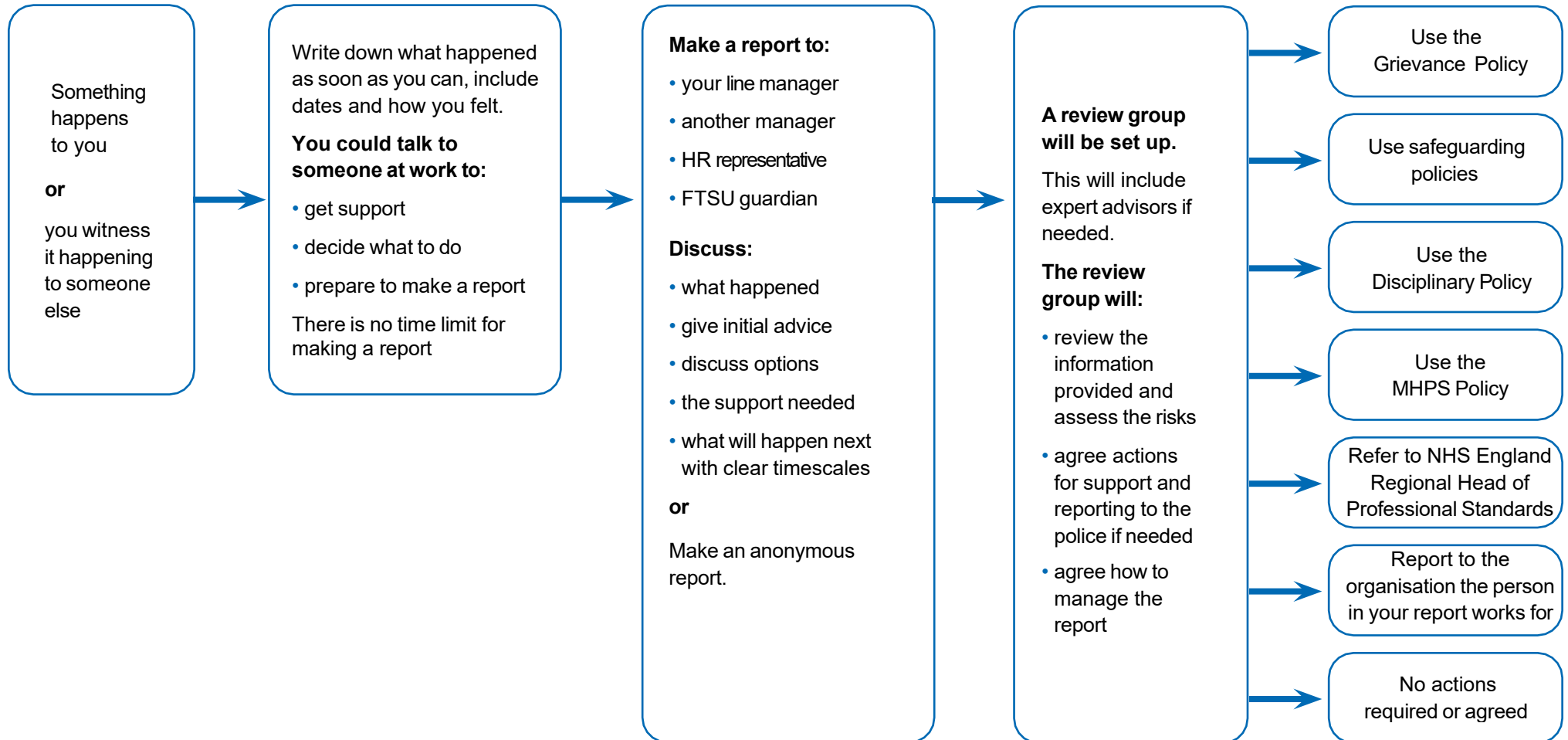


Appendix 1: Flowchart

This flowchart summarises the steps set out in this policy for reporting and determining how to handle cases of sexual misconduct.



Appendix 2: Responsibilities

The ICB's Board will:

- prioritise principles set out in the Sexual Safety Charter, and ensure they are followed by the organisation
- guide the organisational culture and set priorities relating to sexual safety
- take actions to ensure the organisation meets its legal duties to protect employees from sexual harm in the workplace. This will include actions to improve the environment and culture, and understanding and awareness among staff of sexual safety
- encourage, support and train managers and leaders to support the use of this policy, and to build a positive culture in their teams where people can talk openly
- regularly review data about sexual misconduct and use it to agree actions to prevent sexual misconduct and protect employees from it
- appoint an executive group member with responsibility for improving the sexual safety of employees
- appoint a lead for domestic abuse and sexual violence

Senior leaders will:

- create an environment that encourages and supports colleagues to discuss and report sexual harm, without fear of retaliation or victimisation
- provide leadership to support a positive and safe culture

- ensure all colleagues are aware of issues relating to sexual misconduct, the sexual misconduct policy and

- how to deal with disclosures appropriately

Everyone should:

- use this policy and get advice and support to report behaviour they have experienced or witnessed
- be respectful and maintain confidentiality when using this policy
- be clear that we do not accept any form of sexual behaviour described in appendix 3 at work or linked to work

The HR representative will:

- promote and provide support and guidance about using this policy and other people policies
- ensure that every report is managed compassionately, and support is provided to everyone involved
- use specialist advice where needed and work closely with safeguarding teams, the police and other organisations where required
- provide advice and guidance to support learning and change where it is required
- ensure accurate records are made of concerns and manage information confidentially and in line with the policy for managing records

Managers and supervisors will:

- take every conversation and report about sexual

misconduct seriously

- use this policy to support everyone who is involved in a concern or report about sexual misconduct
- speak to a member of the HR team about all reports and concerns about sexual misconduct
- maintain confidentiality, unless there is a safeguarding concern that needs to be reported
- be clear about what is acceptable and unacceptable behaviour
- role model behaviours to create a culture where people feel safe to raise concerns and feel listened to
- attend training and development to ensure they have the required skills, knowledge and confidence to recognise sexual misconduct and take action
- ensure learning and change comes from using this policy, so that future misconduct is prevented, and a positive culture is fostered
- be available to support an investigation if needed
- be proactive in putting in place any reasonable adjustments or safety actions if they are required

Safeguarding leads will:

- provide specialist advice and support about safeguarding
- advise on safeguarding training and support
- provide guidance and make referrals in confidence to a 'person in position of trust' (PIPOT) or local authority

designated officer (LADO)

Freedom to speak up guardians will:

- provide appropriate support and signpost to further support to those who speak up about sexual misconduct
- assist employees to make a report where appropriate
- be responsible for creating a culture where
- employees feel safe to raise concerns and feel listened to

Trade union representatives will:

- influence and guide organisations about the preventative actions they can take to improve sexual safety
- signpost to this policy, explain the process for reporting and the possible routes and outcomes
- support and assist employees to report sexual misconduct, where appropriate
- explain the options for support and help with conversations about accessing support
- provide support to their members through informal and formal process

Appendix 3: Language and definitions

Sexual safety: means being free from any unwanted sexual behaviour at work.

Sexual misconduct: describes a range of behaviours including sexual assault, sexual harassment, stalking, voyeurism and any other conduct of a sexual nature that is non-consensual or has the purpose or reasonable effect of threatening, intimidating, undermining, humiliating or coercing a person. Sexual misconduct can occur between people of the same or different sex and genders.

Sexual harassment: is unwanted behaviour of a sexual nature which has:

- violated someone's dignity, whether that was intended or not
- created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether that was intended or not

Sexual harassment can be a one-off incident or an ongoing pattern of behaviour. It can happen in person or in other ways, for example online through email, social media or messaging tools.

Sexual violence: describes any sexual activity or act that happened without consent.

Sexual assault: is any sexual act that a person did not consent to or is forced into, against their will.

Examples

The following are examples that might be reported using this policy. They could take place at work, or in the course of your work, during online meetings or online chats, at a work event or a party:

- sexual comments or jokes, including what might be called 'banter'
- the sharing of sexual material online (for example, sharing sexual memes or, videos by email or platforms like WhatsApp)
- sexually inappropriate behaviour on social media where colleagues are involved
- displaying or sharing sexually graphic pictures, posters or photos (or other sexual content)
- suggestive looks, staring or leering
- using power and seniority to influence others for sexual favours
- intrusive questions about a person's private or sex life, or discussing your own sex life
- flirting, gesturing or making sexual remarks about someone's body, clothing or appearance
- making sexual comments or jokes about someone's sexual orientation or gender reassignment
- touching someone against their will
- sexual assault or rape

Appendix 4: External support

ACAS: helpline for anyone experiencing workplace related issues including sexual harassment.

Rights of Women: have free legal advice lines for women who have experienced domestic abuse, sexual violence and sexual harassment at work.

Surviving in scrubs: provide support, share survivor stories and campaign to end sexism, harassment, and sexual assault in the healthcare workforce.

General Medical Council: What to do if you think you have been subject to sexual misconduct by a doctor: a resource for patients and colleagues.

Health & Care Professions Council: sexual safety hub provides help and guidance about making a report to that organisation.

Protect: free, confidential whistleblowing advice.

Equality Advisory & Support Service: helpline to advise on issues related to equality and human rights.

Citizens Advice: provide information about your legal rights in the workplace if you are experiencing sexual harassment.

Samaritans: support for anyone who's struggling to cope, and who needs someone to listen without judgement or pressure

Getting help for domestic violence and abuse: NHS.uk provides practical advice and help to recognise the signs and where to get help.

Supporting a survivor of sexual violence: advice from Rape

Crisis about how to support a survivor of sexual violence.

NHS help after rape and sexual assault: information on the NHS website about where to find support if you have been sexually assaulted, raped or abused.

Rape Crisis England and Wales: 24/7 helpline that can provide immediate support if you have experienced sexual misconduct.

Rape Crisis Scotland: 24/7 helpline that can provide immediate support if you have experienced sexual misconduct.

Sexual assault referral centres (SARCs): offer medical, practical and emotional support to anyone who has been raped, sexually assaulted or abused. SARCs have specially trained doctors, nurses and support workers.

Galop: support LGBT+ people who have experienced abuse and violence.

The Survivors Trust: The Survivors Trust has 120 member organisations based in the UK & Ireland which provide specialist support for women, men and children who have survived rape, sexual violence or childhood sexual abuse.

SurvivorsUK: provide support to male and non-binary survivors of sexual violence, providing counselling, practical help and community on your healing journey.

Victim Support: provide specialist help to support victims of crime to cope and move on to the point where they feel they are back on track with their lives.

A list of support services on the Government's website: for victims of sexual violence and abuse.

Appendix 5: Expert advice

An expert may be asked to support the review group and an investigation.

All reports will be different, so a range of expertise and experience could be needed. That knowledge and expertise may include:

Knowledge

- trauma informed interviewing and investigation techniques
- research led case reporting
- risk management
- understanding of issues impacting particularly vulnerable groups
- safeguarding

Skills

- ability to identify types of sexual misconduct
- ability to understand impacts on vulnerable groups
- ability to undertake extensive personal interviews to elicit better information and to reduce the potential for retraumatising
- ability to overcome barriers to disclosure while supporting employee wellbeing

Experience of

- undertaking or advising on trauma informed, employment led investigations
- supporting individuals or teams on a trauma-informed basis
- equality, diversity or inclusion implications within sexual misconduct reports and investigations, and understanding of the vulnerabilities of particular groups
- using subject matter expertise to aid investigations and improve decision making
- managing disclosures of sexual abuse and misconduct

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Appendix 6: Links to more help and guidance

NHS England

[Sexual safety in healthcare charter](#)

[Sexual safety charter assurance framework](#)

[E-learning on understanding sexual misconduct in the workplace](#)

[Guidance on the role of domestic abuse and sexual violence allies](#) (on FutureNHS, registration required)

NHS Employers

[NHS Terms and Conditions Handbook section 32 Dignity at Work](#)

Equality and Human Rights Commission (EHRC) guidance

[Preventing sexual harassment at work: a guide for employers](#) [Employer 8-step guide: Preventing sexual harassment at work](#)

Guidance on managing sexual misconduct

[Advice about sexual harassment at work \(ACAS\)](#)

[Managing discrimination from patients and their guardians and relatives \(BMA\)](#)

[Managing concerns \(Nursing and Midwifery Council\)](#)

[Practitioner Performance Advice \(PPA\) \(NHS Resolution\)](#)

Appendix 7: How will we know if this policy is effective?

We will monitor how effective this policy is by working in partnership with trade unions and other stakeholders to collect information. This information will be used regularly to review and understand the impact of the policy on our people and will help us understand how we can improve. This table sets out how we will monitor this policy:

What element of this policy will be monitored?	What is the method or information source, for example, audit or feedback?	Who will lead the monitoring?	When will the information be reviewed, by who or which group?	What are the arrangements for responding to issues and tracking delivery of planned actions?
How many individuals use this policy and how do they use it?	How many informal or formal processes are started each year? How many are completed?	ICB Safeguarding / People Team	Managed quarterly and overseen by the board.	ICB Safeguarding / People Team to review and monitor
Does the extent of policy use vary across different staff or protected groups? Are there any differences in outcomes?	Using demographic, band and staff group data to analyse use of the policy.	ICB Safeguarding / People Team	Managed quarterly and overseen by the board.	ICB Safeguarding / People Team to review and monitor
Feedback on advice, process, ease of use and internal and external support.	Feedback to the HR team from individuals, trade unions, freedom to speak up guardians and staff networks.	ICB Safeguarding / People Team	Managed quarterly and overseen by the board..	ICB Safeguarding / People Team to review and monitor
What are the outcomes of using this policy? How much change or learning happens? What does this tell us about the culture?	How many concerns move to disciplinary? How many appeals are made each year, how are these resolved? What outcomes have come from anonymous reports?	ICB Safeguarding / People Team	Managed quarterly and overseen by the board.	ICB Safeguarding / People Team to review and monitor

Appendix 8: Record of actions to support safety and wellbeing

Use this template to record risks to safety or wellbeing and decisions agreed to manage or provide support.

Anonymised details of people involved:	For example, refer to: the person who made the report and the person the report is about, rather than using names or initials.
Summary of the report:	
Expert advice provided by:	
Details of the advice:	
Has support been offered to everyone involved?	Yes or no – note response and actions
Are there safety risks? Who is impacted and how? (colleagues, service users, others) What is the severity of impact? How likely is the impact to happen?	
Decisions to support safety and wellbeing:	

Appendix 9: Review group checklist

This checklist should be completed by the review group to ensure they have completed all the relevant actions.

Checklist:	Details:
<p>Wellbeing and safety</p> <ol style="list-style-type: none">1. Has support been offered to the employee who made the report and others involved?2. Are those involved safe and are there any risks that need to be managed?3. Has a risk assessment been completed to review and take actions to support wellbeing and safety, including actions to ensure no further harm and risks to colleagues, patients, service users or other people. See more in appendix 8.	
<p>Find the facts</p> <ol style="list-style-type: none">1. Do you have the facts from appendix 10 that you need?2. Has the employee who made the report discussed a preferred outcome?3. Do those involved work for the organisation? If not, which organisation do they work for?4. Are there any similar live cases on file relating to the person (or people) the report is about?5. Do other organisations have any information that is important to know, for example, another investigation.6. If further information is needed, gather this information7. Are there any aggravating factors, such as the abuse of power over a more junior colleague that need to be taken into account?	

<p>Agree how to manage the report</p> <ol style="list-style-type: none"> 1. Is there a requirement to get specialist advice? (for example, from safeguarding or legal). If so, record their advice 2. Following advice, is there a requirement to request advice or refer to another organisation, for example, the police, local authority designated officer (LADO), regulator? 3. Discuss and agree if another policy should be used. 4. Identify and agree who will take forward the management of the report, including how to refer to other organisations. 5. If a police report or LADO referral has or is being made, get advice about when the organisation can start to manage the report. 	
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Checklist:	Details:
<p>Communication</p> <ol style="list-style-type: none"> 1. Identify who 'needs to know' (for example, relevant managers, or other employers if one of the parties works for a different organisation) 2. Agree who will be the key point of contact for those involved and advise them of the arrangements 3. Agree regular review points (with everyone involved) 4. Have decisions and next steps been confirmed to those involved (including in writing if necessary)? 	
<p>Ensuring understanding</p> <ol style="list-style-type: none"> 1. Have you ensured the employee(s) understands the reasons for actions and for the approach to how the report will be managed? 2. Have the next steps been discussed with the employee(s) involved (including a review of support)? 	

Appendix 10: Questions to ask when you receive a report

Use this checklist to gather the information needed to understand what happened. If more than one incident took place, you may need to record each separately.

Before you begin, check:

- they do wish to make a report
- if they need or want anyone to support them during the conversation
- they are clear about confidentiality and safeguarding processes that mean you may need to share information (for example, if there is a safeguarding concern)

Personal details:

1. Name of the person making the report
2. Contact details and the best time to contact them

Who is reporting this?:

- someone who has experienced sexual misconduct
- a witness to sexual misconduct:
 - do they have consent of the person who was affected?
 - if yes, who did it happen to?
 - if no, do not ask or record information about the person affected
 - someone who has been disclosed to about sexual misconduct

About the incident:

1. Was it a single or multiple incidents?
2. Where did the incident(s) happen?
 - virtually using either work or non-work equipment and through any virtual platform including, social media, email and messaging services
 - NHS premises
 - offsite, in the course of work, at a non-work event or a work event
 - unsure or other
3. When did the incident(s) happen? If unsure, get rough dates or a range of dates

4. Do they want to name the person whose behaviour they are reporting?
5. Information about the behaviour(s) being reported (this doesn't need to be in lots of detail at this point)

Witnesses:

1. Did anyone witness this behaviour?
2. Do the witnesses know this report is being made?

Any further information the person wishes to provide? Check and discuss:

1. Do they have any notes or information to help them make their report?
2. Is anyone at immediate risk. Are any actions needed now?
3. What support is needed? (Refer to other policies such as flexible working or special leave)
4. Signpost to internal or external support (appendix 4)
5. Explain that more information will be needed if an investigation takes place
6. Explain the possible outcomes from the review group

Next steps:

1. Speak to a member of the HR team
2. Set up a review group

Notes:

Appendix 11: How to respond to a disclosure or report of sexual misconduct

It is important that everyone working in the NHS knows how to respond when someone makes a disclosure or report about sexual misconduct.

Each person will have different needs so you must ask how they want you or others to support them. Do not assume what they might need and do not dictate the process.

Many people feel a loss of control, so empowering them and validating their experience is vital to minimising trauma.

It is crucial to handle the conversation respectfully, sensitively and supportively. Your role is to listen to the person sharing their experience and agree on the next steps to take. Your role is not to provide counselling, clinical advice or offer retribution against the perpetrator.

Do:

- ensure they are safe
- actively listen (without having any distractions such as your phone)
- believe and validate them
- respect confidentiality but ensure they understand you may need to share information (for example if a safeguarding concern

- is outlined)
- safely signpost them to support (and reporting options if they haven't reported already)

Do not:

- push for details
- make assumptions
- ask why they did not say anything sooner
- be judgmental or criticise their choices
- express criticism or disbelief
- look disinterested (think about your body language)
- tell them what to do
- talk about your own experiences
- provide counselling yourself
- share their information with others unless they explicitly give you permission to do so, or there are safeguarding concerns
- ask why they did not run away or fight back
- play down or minimise their experience and the significance of what they are sharing

For more information complete the [E-learning on understanding sexual misconduct in the workplace](#)

Appendix 12: Additional guidance for managers

Promoting a positive culture

As a manager you have a key role in influencing the culture within your team. This begins with behaving in a way that lets your team see that you act and manage issues (not just those about sexual misconduct) fairly and with compassion. Your ability to recognise inappropriate behaviour and act as early as possible is important. It can help support people to speak up.

This means you need to challenge behaviours that are inappropriate and be aware of situations that might be harassment. Appendix 3 provides information and examples.

It may also involve identifying underlying tensions or information that suggests unreported events or behaviours within the team.

The Grievance and Disputes Policy provides information about having early conversations to reach solutions between colleagues. It is important to consider whether this is appropriate before suggesting it. In some circumstances it will not be. You should never force someone to confront a colleague or try to resolve things together if they do not wish to. Ensure that you and your team attend the training to understand what sexual misconduct is and how to make a report.

Getting advice and support

Receiving information or a report about sexual misconduct can be worrying and you might not have experienced this before.

It's important to get advice from a member of the HR team, and the safeguarding team as soon as possible, especially if you are worried about safety.

You can do this without mentioning names in the first instance, to maintain confidentiality. It is important to remember that sometimes you may have a responsibility to escalate the report to ensure the safety of others.

If you are finding it difficult to support someone or to process information you have heard, speak to your manager or a member of the HR team who can provide advice and support.

Relationships at work

Relationships between work colleagues can happen. Sexual misconduct can happen within a range of relationships, and it is important that professional boundaries are maintained.

The relationship might not be appropriate where there is a power imbalance, when training and career progression opportunities of one party could be impacted, or when people work closely together. To discuss a relationship between colleagues, please speak to an HR representative.

Receiving a report about sexual misconduct

You have an important role to ensure reports are made effectively and dealt with. Your openness and ability to listen and take actions will show that sexual misconduct is taken seriously.

Try to remain calm and listen fully when someone reports a concern about sexual misconduct to you. This may have taken a lot of courage to raise with you and could be an emotional experience for them.

You should let them know you take their report seriously and you are there to help. Appendix 11 provides guidance about how to respond and provide initial support and appendix 10 provides a list of questions to ask and points to check and discuss.

Discuss and agree what will happen next. It is important that you understand their needs and expectations and are clear with them about the actions you are going to take. This might be difficult if they are feeling emotional or anxious and it might help to follow up later to check understanding.

If they are very upset, or they need more time to think about what to do, it might be helpful to give them some time and meet again at another time. Always check they have support and take actions to put support in place.

During the conversation, collect information about what happened and ensure they have time to discuss their views about what to do next, as it is important to respect their views.

Get advice from a member of the HR team or other professionals as soon as you can. They will support and help you to set up a review group.

Anonymous reports

Some people may prefer to report their concern anonymously. Anonymous reports will be recorded in one location and used to understand underlying concerns and trends.

It is important that anonymous reports are taken seriously. They can provide helpful information about patterns or areas of concern. A member of the HR team will provide advice about managing anonymous reports.

Steps to set up:

1. To open the reporting form, you need Office 365
2. If your organisation uses Office 365, you will need to be signed into your account
3. [You can access, edit and use the form here.](#)
4. Click 'duplicate it' at the top of the page
5. Save the form, and share the link with your employees

After completing the setup, the reporting form can be accessed on work or personal devices by employees who have either:

- experienced sexual misconduct
- witnessed sexual misconduct

It can also be completed on someone else's behalf, with their permission.

Each form submitted should be sent to the team who will be responsible for managing the report, which is set out in this sexual misconduct policy and will be in line with the agreements made by the organisation.