NHS
Cornwall and
Isles of Scilly

Sexual misconduct policy

Date approved: 27 November 2024

NHS Cornwall and Isles of Scilly Integrated Care Board

Call us on 01726 627 800
Email us at ciosicb.contactus@nhs.net
Visit our website: cios.icb.nhs.uk

Part 2S, Chy Trevail,
Beacon Technology Park,
Dunmere Road,
Bodmin, PL31 2FR
Chair: John Govett
Chief executive officer: Kate Shields

Document control sheet

Title of document: Sexual misconduct policy
Originating directorate: Chief people officer
Originating team: People and organisational development (POD)
Document type: Policy
Subject category: POD policies
Author(s) name: Jo Tomlinson
Date ratified: 27 November 2024
Ratified by: Workforce Committee and Chief people officer
Review frequency: 6 months
To be reviewed by date 27 May 2025
Target audience: All colleagues
Can this policy be released under FOI? Yes

Version control

Version number	Revision date	Revision by	Nature of revisions
V1.1	November 2024	POD team	New policy drafted – NHS England national sexual misconduct policy
V1.2	November 2024	Stakeholder engagement	JPC, mental health first aiders , staff voice and also ensuring support in place for colleagues prior to wider engagement
V2.	November 2024	WFC and CPO	Policy ratified at November 2024 WFC

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Introduction

Trigger warning

The contents of this policy may be upsetting for some colleagues to read. If you would prefer to discuss this policy or need support, please contact a manager, member of the people team or the safeguarding team.

NHS Cornwall and Isles of Scilly Integrated Care Board (the ICB) has signed the sexual safety in healthcare organisational charter. We are committed to a zero-tolerance approach to sexual misconduct in the workplace to create a workplace where everyone feels safe.

The Worker Protection (Amendment of Equality Act 2010) Act 2023 creates a duty on employers to take reasonable steps to stop sexual harassment from colleagues and third parties in the workplace. This includes protecting their employees and people employed by other organisations, such as suppliers or visitors, from sexual misconduct.

Sexual misconduct is unwanted behaviour of a sexual nature. It can happen to anyone, but it often happens where there is a power imbalance. People in some groups can be more vulnerable than others. For example, women, black people, people from an ethnic minority, people with a disability and people who are lesbian, gay, bisexual, transgender, queer, questioning or other, can be more at risk. Some people will also find it more difficult to report sexual misconduct.

Purpose

This policy provides information about:

- how to recognise and report sexual misconduct
- our approach to taking actions when sexual misconduct is reported
- the support available to people involved or harmed

There is more information in appendix 4.

It covers sexual misconduct connected to work or the workplace. Sexual misconduct can include many things, such as:

- sexual comments or jokes
- unwanted touching or kissing
- showing sexual pictures
- staring at someone in a sexual way
- asking personal questions about someone's sex life
- sexual assault or rape

Appendix 3 provides more examples.

Sexual misconduct can take place at any time and any place; for example, at social or learning events or while travelling for work. It can take place in person or online (for example, through chat messages, phone calls, voice messages, or social media).

All NHS employees, non-executive directors, volunteers, agency and bank workers, students and learners, contractors, secondees and interns can use this policy to report sexual misconduct.

This policy provides information about the support available and about the process used to keep people safe and manage concerns and reports.

It provides advice about what to do when someone makes a disclosure about sexual misconduct to you, and a checklist of information you need to collect when someone wants to report this to the organisation.

Procedure

How this policy promotes a kind and caring culture

We want the ICB to be a place where everyone feels safe to work, and where actions are taken to stop sexual misconduct.

This policy commits the organisation and everyone working within it to take all reports of sexual misconduct seriously and to act on all reports. A zero-tolerance approach to sexual misconduct in the workplace is crucial to promoting a kind and caring culture.

How do we know this policy treats people fairly?

Whenever we write a policy, we undertake an equality impact assessment (EIA) to ensure it treats everyone fairly, and it does not disadvantage or discriminate against anyone or any protected characteristic.

We also review our policies regularly to see how we are doing. This includes listening to colleagues' views and reviewing information about how the policy works in practice.

Language used in this policy

A disclosure

If you experience or witness sexual misconduct you may choose to tell someone at work about your experience. This might be your manager, supervisor, a colleague or anyone else you trust including a freedom to speak up guardian, a colleague from the safeguarding team, a member of the people team or a trade union representative.

It is important that the person who receives a disclosure uses the guidance in this policy in appendix 11.

If you make a disclosure to someone, this does not mean that you have made or must make a report.

Report

A report is different to a disclosure. A report involves telling someone who is in a position of responsibility or authority in the organisation about sexual misconduct that has happened to you or that you have witnessed.

A report means you are requesting that the organisation makes decisions and takes actions to stop it from happening again.

Review group

A review group is responsible for using the information provided by you in your report to agree what to do about sexual misconduct.

Advice and support

If you experience sexual misconduct, it is likely to be a distressing and isolating experience, and you might not know what to do next.

Sexual misconduct can take place when there are no other witnesses. This does not change the response you should receive. We will take your report very seriously and support you.

If you can, write down the facts (what you heard, saw and felt) as soon as you can. Include dates and the order that events took place, and how they made you feel. This will help you to remember the details.

It's important you speak to someone you trust, to get support and to decide what to do. This is often called a disclosure.

When speaking with others, it's important that you are given the time to clearly express:

- what you need, including support
- what you want to happen next
- what you expect them to do

For example, you might discuss:

- getting help or advice from a manager or someone else
- using this policy to decide how to report what happened
- that you need more time before you decide what to do

You can also get advice and support from an external organisation (listed in appendix 4).

If you decide and are ready to make a report, page 9 provides information about how to do this. Every report will be taken seriously and there is no time limit – you can make a report at any time.

People who are not employed by the organisation

If your report is about the behaviour of someone at work, but they are not employed by the organisation, you should make a report using this policy.

The review group will liaise with the employer of the individual and will agree on the actions to support you and to prevent it from happening again.

Patients and service users

If your report is about the behaviour of a service user, patient, or a member of the public, you should speak to your manager or the person in charge as soon as possible after the event happens, if you can.

This will allow them to take actions as soon as possible using the acceptable behaviour policy; for example, this could include warning a patient or service user about their behaviour or reporting a criminal act to the police.

Incidents unrelated to work

If you have been affected by a sexual safety incident, including domestic violence, that is not connected with work, the reporting process in this policy is not likely to apply. However, the impact of the incident might affect you at work. If you need support, speak to your manager or a person you trust.

Appendix 4 provides information about support, including specialist organisations you can contact to get help.

Witnessing behaviour

We all see things happening around us every day that we do not agree with. These things might not be happening to us, but we can choose to do something about them. This is often called being an active bystander.

We can show others that we feel a behaviour is unacceptable. This will also help to give a voice to groups and individuals who may not feel able to challenge what is happening.

There may not always be a need to say something, and it may not always be safe to do so, but there are other actions we can take. These might include:

- asking someone to stop and being clear that the behaviour is inappropriate

- interrupting, diverting or distracting to allow someone to move away
- letting someone know you do not agree with what they are saying
- giving a disapproving look or not laughing at inappropriate jokes or comments
- asking someone else to help (for example, another colleague or security)
- seeking emergency help (call 999 if necessary)
- writing down what happened as a reminder for later action

You should speak to the person the behaviour was aimed at as soon as you can to give your support and to let them know that what you witnessed was unacceptable. Make sure you have a quiet and safe place to have this conversation and you have enough time to talk fully.

Appendix 4 provides information about the support available to those involved. Talk to them about what happened. Ensure they understand the reasons for reporting and ask if they agree with reporting their experience.

If they do not agree and you are worried about them or others, you should not put their name in your report. Speak to a member of the people team or the safeguarding team to get advice.

Supporting a colleague

When someone talks to you about what they have seen or experienced, it is called a disclosure. You need to be supportive and sensitive. Appendix 11 provides advice about what to do when a colleague discloses their experience of sexual misconduct to you.

If you think urgent actions are required, it is important to be as open as possible with them about what urgent action you need to take and why.

If you believe that someone is in danger you should contact the police and report the incident to the safeguarding team and POD team.

How to make a report

It is important that sexual misconduct is reported so actions can be taken to keep people safe and to prevent it from happening again.

There isn't a time limit, but making a report as soon as possible will allow actions to be taken more quickly.

If you are reporting something you have witnessed, you should read page 8 and talk to the person the behaviour was aimed at before you make the report.

You can make a report yourself or you can ask the person you have disclosed to (for example, a colleague) to do this for you.

Reports may be made to:

- your manager or another manager, who can ask the people team for guidance
- a member of the people team
- a freedom to speak up guardian

A trade union representative or member of the safeguarding team can support you to make a report.

Every report will be taken seriously.

Anonymous reports

If you give your name when you report sexual misconduct, the organisation will be able to complete a more in-depth investigation.

Providing your details can help the organisation to support you and signpost or refer you to further support.

All reports are taken seriously. If you do not feel you can provide your name, you can report anonymously.

Provide as much information as possible, including the times of events and the impact they are having on you and others. This will ensure the person reading your report can understand what happened.

The steps in this policy will be followed as closely as possible using the information you provide.

Listening to you

If you provide your name when you make a report, you will be given time to talk about what happened and discuss and agree what will happen next.

A suitable place to ensure you feel safe to talk will be agreed with you. You can bring a friend or family member, a colleague, interpreter or a trade union representative to support you.

The person you speak to will:

- ask you for information using the questions in appendix 10
- use the advice in appendix 11 about how to respond to a disclosure or report

If you have any notes or evidence, it's a good idea to take them with you to the meeting. If you don't have evidence this won't mean your concern is not taken seriously. During the meeting, we will also:

- discuss and agree how to manage your report
- discuss your wellbeing and the support you need
- agree next steps and who you should contact if you have any questions

Appendix 4 provides information about support. If you decide to stop your report, your wishes will be respected where possible. Page 16 provides information about when the organisation might be required to continue to take action.

If you change your mind, or the behaviour continues, you can use this policy later. There is no time limit.

Support

The person you give your report to will talk to you about the options for accessing help and support, including from the organisations listed in appendix 4.

If you are a member of a trade union, they can also provide advice and support.

Support for you to continue to work will be arranged where possible, based on advice from occupational health. This may involve using policies such as the time off policy or flexible working policy. Examples of support could include adjustments to your role, your working hours or location, or giving you time off to attend appointments to get help and support.

All support will be reviewed with you regularly to ensure it remains helpful and to identify any additional needs you may have.

If you cannot attend work

If you don't feel able or well enough to attend work, you should let your manager or other person in a position of responsibility know. They will provide advice about the sickness absence policy.

If your sickness absence is a result of the sexual misconduct you have experienced at work and your absence is not paid, or if your sick pay is reduced, you could receive injury allowance. This tops up your income (including some welfare benefits) to 85% of your usual pay during the absence. Section 22 of the NHS Terms and Conditions Handbook provides more information about injury allowance. A member of the people team or your trade union representative can provide advice and information about injury allowance.

After you make a report

Our organisation has a duty to ensure all employees involved with sexual misconduct cases are supported. This includes employees who have concerns raised about them.

The person you made your report to, will request support from a review group to decide what to do. This will be arranged as soon as possible to ensure the report is managed quickly and in line with policies and procedures.

Review group

The review group will include:

- the person you made your report to
- a member of the POD team

It might also include, as appropriate, and to be discussed with you:

- a senior manager
- the lead for equality, diversity and inclusion
- a colleague from safeguarding
- any other person who can provide advice that is needed

Appendix 5 provides more information about expert advice.

The review group will discuss the information provided, including the harm caused to you or others, and any other information available that is important to use alongside your report. For example, if there are aggravating factors, such as abuse of power over a more junior colleague.

The review group will review and make decisions about actions that need to be taken quickly to prevent possible harm to you or others involved, using the template in appendix 7. For example, if the people involved work together, temporary changes to working arrangements may be needed. It will also make decisions about:

- anything needed that will help mitigate any further harm to you or others
- the immediate support you and others involved may need
- which policies or procedure(s) are relevant to managing your report
- what communication is needed to protect you and others
- notify the right people
- whether the police or other organisations need to be contacted
- who needs to be told about the actions that have been agreed
- how you and others involved will be updated about what will happen next

Read more about providing information and updates on page 15.

The review group will use the checklist in appendix 8 to ensure that the plans to manage the report are clear. They will also ensure a record is kept (anonymously if needed).

Outcomes

The review group will ensure your views are considered when making decisions about how to manage your report. One or more of these outcomes could be agreed:

- a request for more information from you or others about what happened
- using the disciplinary policy to manage your report
- using the grievance procedures (if it was raised as a grievance)
- using safeguarding policies to agree actions
- a report to the police

- a report to the employer of the person named in the report, if they are not employed by our organisation
- a referral to NHS England's Regional Head of Professional Standards, and any other professional regulator, if the report is about a GP, general dental practitioner, optometrist or ophthalmic medical practitioner working in primary care and their name is included in one of the England Performers Lists
- no further action

Investigations

If an investigation is needed, it will be completed using the policy agreed by the review group.

You can ask for adjustments if you need them, and they will be agreed if possible. Examples of possible adjustments include a friend or family member attending meetings with you to support you, in addition to a trade union representative or colleague. They might also include using an external investigator or an investigator with specific training, skills and experience.

Preventing victimisation

Victimisation is negative treatment because of being involved with a discrimination or harassment complaint. It is unlawful under the Equality Act 2010.

Harassment or victimisation of anyone who has reported, or has helped someone else to report, sexual misconduct is unacceptable, as is any attempt to persuade or force an employee to not raise their concerns.

Everyone will be supported when reporting sexual misconduct, whether their complaint is upheld or not.

If you believe you have been victimised, this will be taken seriously. You should report victimisation to a manager, a member of the people team, a freedom to speak up guardian, or your trade union representative.

Providing information and updates

You will be given the name of the person you can go to with your questions and to get advice and support. You can also raise any concerns or discuss any further needs you have with them and they will keep you updated. This will usually be the person you report your concern to or a member of the people team.

Due to confidentiality, not everything that happens can be shared with you, but you will receive regular updates.

The information that can be shared with you will be shared with you. You will not normally be told about personal or confidential outcomes or actions relating to another employee.

Confidentiality

The information you share when using this policy will be kept confidential where possible. Everyone involved in the process will be informed of their responsibilities to keep information confidential. Colleagues should refer to the following policies:

- ICB safeguarding children policy
- ICB safeguarding adults policy

This means that only people who need to know will receive the information because they are, or will be, involved in the process. You will be told who will receive the information, and why.

If there are safeguarding duties, information may need to be shared to keep other people safe.

If you need advice or are concerned that confidentiality has not been kept, you should speak to your manager, a member of the people team or a trade union representative.

Confidentiality or non-disclosure agreements will not be used to stop reporting of sexual harassment or whistleblowing.

Telling your manager

You will be asked how you feel about telling your manager.

If you haven't told your manager, it may be helpful to so they can support you and others involved. If the concern is about your manager, another manager will be asked to support you.

When will the person the report is about be told it has been reported?

The person the report is about will often be told about some, or all, of the report to ensure they can take part in the investigation process.

This will always be done in a careful and planned way and will not happen without your knowledge.

Before the person is told, conversations will take place to agree how to support your wellbeing and safety and that of others.

Involving the police and other organisations

Sexual misconduct can be a criminal act. Normally, it will be your choice whether to report what happened to the police.

If your report includes information that suggests other people may be at risk, including patients or colleagues, the review group may seek advice from our safeguarding team, the POD team or the executive group.

They may need to share information with the police, the local authority designated officer (LADO) and / or the relevant local authority safeguarding team.

This might happen even if you do not wish to use this policy.

Where possible, you will be told before actions are taken and support will be provided to you throughout the process.

Police investigations

If a report has been made to the police, their investigation cannot be impacted by our organisation's own investigation process.

This may mean there are delays in our organisation completing an investigation process. You will be told as soon as possible if the police ask for the process to stop or be put on hold. You will be told how long this might be for and we can discuss the support you and others involved will need during this time.

Statutory regulators

Sometimes, there may be a requirement to report an employee holding a professional registration to their statutory regulator (for example, Nursing and Midwifery Council, General Medical Council, the Health and Care Professions Council, The Law Society) in line with their relevant professional code of conduct.

A member of the people team or the responsible officer for medical professionals will be responsible for reporting to professional bodies.

They may take advice from a range of individuals including the most senior person from the relevant profession within the organisation (for example, the chief nurse) before making a formal referral.

Preventing sexual misconduct

Our organisation will:

- Review the likelihood and risks of sexual misconduct occurring at work from colleagues, volunteers, learners and others including patients, service users and visitors.
- Decide the actions that can be taken to reduce risks and prevent harm.
- Ensure the agreed actions are implemented and managed.
- Update policies and procedures to clarify the law, how everyone can expect to be treated, and how to make a report.
- Review the effectiveness of policies and training.
- Communicate consistently about our values and expectations for behaviour and what actions may be taken when these are not met.
- Communicate with patients, service users and visitors about how we expect them to treat our staff and each other.

- Provide guidance and support to colleagues, helping them assist others if they witness sexual misconduct.
- Create a culture where people feel safe to talk about and report sexual misconduct
- Ensure systems are in place to respond to reports and provide timely support to all employees impacted by sexual misconduct.

Our organisation will use reports about sexual misconduct to prevent events from happening again, and to understand potential patterns and areas of concern and what is required to mitigate risks, take action, and improve the culture within teams and across the wider organisation.

Training

It is important that everyone understands:

- what appropriate and inappropriate behaviours are
- how to use this policy
- what to do if they experience or witness inappropriate behaviours

Managers and members of the people team, freedom to speak up guardians, mental health first aiders and colleagues from staff networks will receive training on this policy so they can offer support, advice and guidance to colleagues.

Feedback and experiences from those involved in using this policy will be used to create future training and ensure continuous reflection and learning across the organisation.

Implementation plans and monitoring effectiveness

The people team monitor compliance and effectiveness of this policy through submission of regular reports to the workforce committee. The people team ensure any subsequent recommendations are undertaken and incorporated into this policy if appropriate.

Update and review

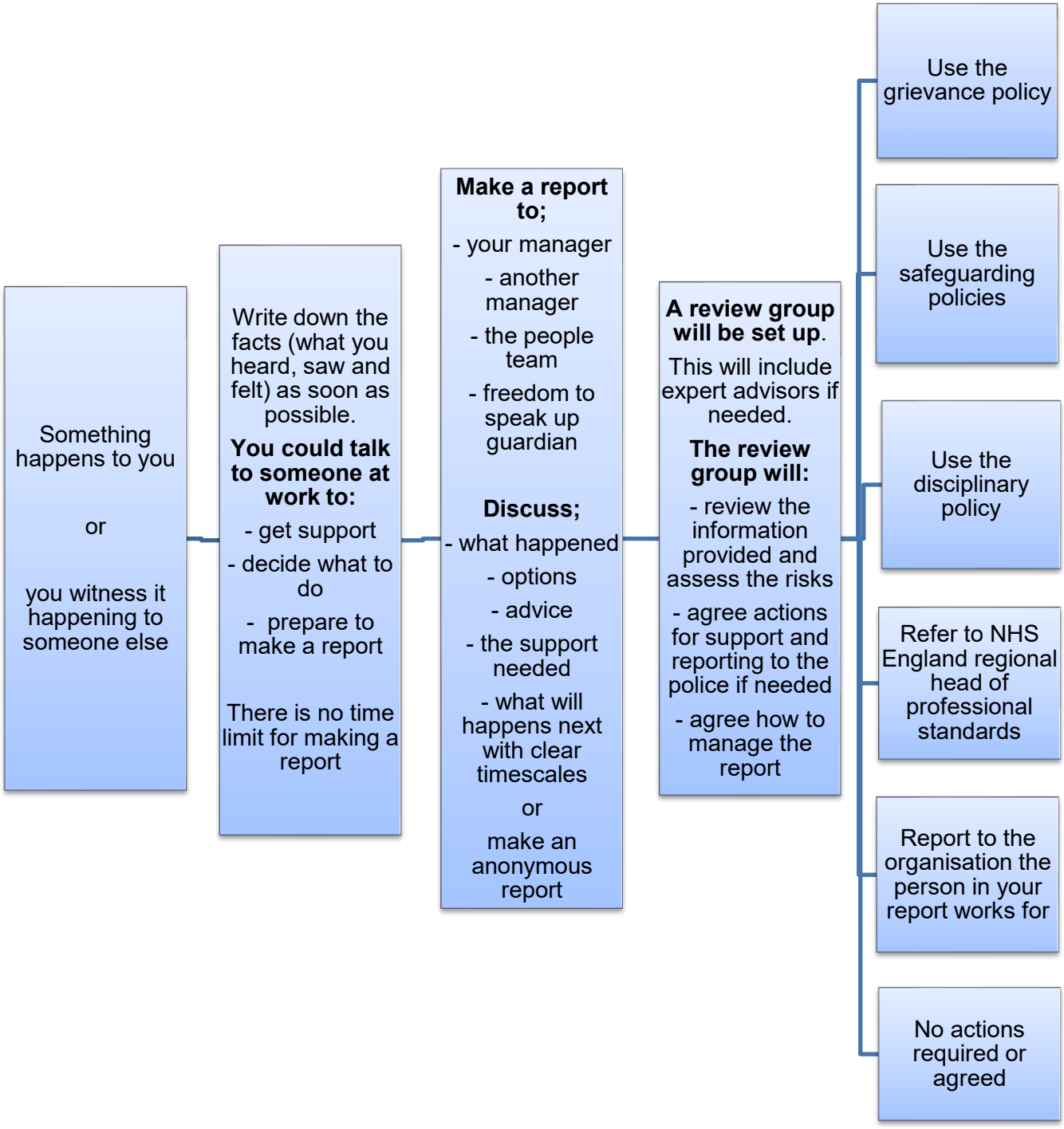
This policy will be updated every 3 years, or when there is a substantial change required.

Policies referred to in this document

- Time off policy
- Flexible working
- Acceptable behaviour policy
- Grievance policy
- ICB safeguarding children policy
- ICB safeguarding adults policy

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

ICB board

The ICB board will do the following.

- 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

Senior leaders in the ICB will do the following.

- 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.

All colleagues

Everyone should do the following.

- Use this policy and get advice and support to report behaviour they have experienced or witnessed.
- Be respectful in all our interaction with each other
- Maintain sensitivity and 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.

People team

The people team will do the following.

- 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, supervisors and educational supervisors

Managers, supervisors and educational supervisors will do the following.

- 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 people 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

Safeguarding leads will do the following.

- 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

Freedom to speak up guardians will do the following.

- 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

Trade union representatives will do the following.

- 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 processes.

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 and or 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, 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: Support provided by our organisation

Members of the people team

Can provide advice and guidance about this policy, and information about other services that can provide support.

Safeguarding teams

Can provide advice and support to employees who disclose sexual misconduct and can signpost and refer staff to external support.

Trade union representatives

Can help and provide advice and support to their members about sexual misconduct at work.

They can provide advice, guidance and support, for example by attending meetings with you.

They will also help influence and guide organisations about preventative actions they can take to improve sexual safety.

Freedom to speak up guardians

Can offer a confidential and safe place to speak about sexual safety and provide guidance and information about how to resolve concerns.

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 the following.

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

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

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: 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	
Communication of decision to others that need to know **Actions required to support the decision, for example, cover arrangements**	

Appendix 8: Review group checklist

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

Checklist	Details
Wellbeing and safety 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.	
Find the facts 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 information. 7. Are there are aggravating factors, such as the abuse of power over a more junior colleague that need to be taken into account?	
Agree how to manage the report 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.	

Appendix 9: Review group checklist 2

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

Checklist	Details
Communication 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)?	
Ensuring understanding 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:

- Name of the person making the report
- 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:

- Was it a single or multiple incidents?
- 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

- When did the incident(s) happen? If unsure, get rough dates or a range of dates
- Do they want to name the person whose behaviour they are reporting?
- Information about the behaviour(s) being reported (this doesn't need to be in lots of detail at this point)

Witnesses:

- Did anyone witness this behaviour?
- Do the witnesses know this report is being made?

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

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

Next steps:

- Speak to a member of the people team
- Set up a review group

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 judgemental or criticise their choices
- express criticism or disbelief
- look disinterested (think about your body language)
- tell them what to do
- tell them about your own experiences
- counsel 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 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 the people 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 people 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, speak to a member of the people team.

Receiving a report about sexual misconduct

You have an important role to ensure reports are made effectively and dealt with. Your openness, 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 people 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 POD team will provide advice about managing anonymous reports.

Appendix 13: Equality Impact Assessment

Name of policy or service to be assessed: Sexual misconduct policy
Department or section: POD
Date of assessment: November 2024
Person(s) responsible for the assessment: Jo Tomlinson
Is this a new or existing policy? New

Aims, objectives and purpose of the policy

Describe the aims, objectives, and purpose of the policy

This policy provides information about:

- how to recognise and report sexual misconduct
- our approach to taking actions when sexual misconduct is reported
- the support available to people involved or harmed

This policy provides information about the support available and about the process used to keep people safe and manage concerns and reports. It provides advice about what to do when someone makes a disclosure about sexual misconduct and a checklist of information to be collected when someone wants to report this to the organisation.

Who is intended to benefit from this policy, and in what way?
All colleagues of the ICB.

What outcomes are wanted from this policy?
To have clear guidelines and procedures for preventing, reporting, and addressing incidents of sexual misconduct within the ICB.

What factors or forces could contribute or detract from the outcomes?
Several factors can contribute or detract from the outcomes.

Lack of awareness: If colleagues are not adequately informed about the policy, its importance, or the reporting mechanisms, incidents may go unreported or unaddressed.

Cultural barriers: A workplace culture that is perceived to stigmatise reporting or lacks support for people who have experienced sexual misconduct can discourage individuals from coming forward.

Inadequate training: Insufficient training for colleagues on recognising and addressing misconduct can lead to mismanagement of incidents and failure to support people who have experienced sexual misconduct.

Fear of retaliation: Concerns about potential backlash or negative consequences can prevent individuals from reporting misconduct.

Inconsistent application: If the policy is not applied uniformly or if there are discrepancies in how cases are handled, it can undermine trust.

Leadership commitment: A lack of commitment to prioritise and uphold the policy can lead to indifference.

Addressing these factors is crucial for the successful implementation and outcomes of a sexual misconduct policy.

Who are the main stakeholders in relation to the policy?
All colleagues of the ICB.

Who implements the policy, and who is responsible for the policy?
People team and safeguarding.

Differential impacts

Does this have a positive or negative impact on people from an ethnic minority background?

The ICB recognises that our ethnic minority colleagues may be more at risk of experiencing sexual misconduct in the workplace.

Positive impacts:

Increased protection: The policy will provide a safer environment for all staff, including individuals from an ethnic minority, by clearly outlining unacceptable behaviours and consequences.

Support mechanisms: The policy contains support resources that can help ethnic minority colleagues feel empowered to report incidents without fear of discrimination or bias.

Promoting inclusivity: There is a strong commitment to addressing sexual misconduct which supports the ICB's dedication to diversity and inclusion, fostering a more supportive workplace culture.

Encouraging reporting: Ethnic minority colleagues may feel more confident in reporting incidents, knowing there are established procedures to address their concerns.

Negative impacts:

Cultural sensitivity: Ethnic minority colleagues may feel that the policy doesn't go far enough to consider cultural differences or specific challenges faced. When dealing with reports all colleagues should consider and address the unique needs and experiences of the person who has made the report.

Fear of discrimination: Ethnic minority colleagues might worry that reporting incidents could lead to further discrimination or bias, especially if the workplace culture is not supportive.

Lack of representation: If the individuals responsible for implementing and enforcing the policy do not reflect the diversity of the workforce, it may create barriers in understanding and trust.

Systemic issues: Broader institutional racism or bias can affect how reports are handled, potentially leading to outcomes that do not adequately address the concerns of ethnic minority staff.

How will any negative impact be mitigated?

By involving representatives from ethnic minority communities in the consultation process and providing training for staff on cultural awareness and sensitivity to reduce biases and misunderstandings.
During the policy implementation the ICB should endeavour to educate colleagues and emphasise its importance and how it protects everyone, including marginalized groups.

It is essential to maintain open lines of communication about how reports are handled and the outcomes of investigations to build trust in the process.

Does this have a positive or negative impact on people who identify as male, female or intersex?

The ICB recognises that anyone can experience sexual misconduct. Women may be more at risk of experiencing sexual misconduct in the workplace. This policy is inclusive for men and women and people who are intersex.

Positive impacts:

Clear guidelines: The policy provides everyone, regardless of sex, with a clear understanding of acceptable behaviours and the consequences of misconduct.

Increased safety: By fostering a zero-tolerance environment, the ICB can create a safer workplace for all colleagues, reducing the likelihood of harassment or assault.

Support for people who have experienced sexual misconduct: The policy includes resources and support for people who have experienced sexual misconduct, helping individuals feel more comfortable coming forward, no matter their sex.

Cultural change: The policy will help to promote a culture of respect and civility, benefiting all staff by challenging harmful behaviours and stereotypes.

Negative impacts:

Gender specific bias: All users of this policy should avoid disproportionately addressing issues related to one sex while neglecting others, it can lead to feelings of exclusion or unfairness among male, female, or intersex individuals.

Misunderstanding of non-binary identities: Policies that do not explicitly recognise non-binary or intersex experiences may fail to address their specific needs and challenges, leaving some individuals feeling marginalised.

Stigmatisation: Men, in particular, may face stigma when reporting sexual misconduct, fearing that their claims might be dismissed or viewed with scepticism.

Implementation issues: If the policy is not implemented consistently, or if there is a lack of training on sex issues, it can lead to inadequate responses to reports from individuals of any sex.

How will any negative impact be mitigated?

To ensure a positive impact across all sexes, it's crucial to involve diverse voices in the engagement and development of this policy. The links and guidance will be checked for inclusivity. The consistency of the application of the policy will be monitored by the people team. Members of the gender equality staff network will be encouraged to review the policy during consultation.

What is the positive or negative differential impact on people from the perspective of disability?

The ICB recognises that colleagues with a disability or long term condition may be more at risk of experiencing sexual misconduct in the workplace.

Positive impacts:

Protection and safety: The policy provides protections for individuals with disabilities, who may be more vulnerable to abuse and exploitation.

Awareness and education: The policy provides resources that raise awareness about consent and respectful behaviour, benefiting everyone, including individuals with disabilities.

Reporting mechanisms: There are clear channels for reporting, making it easier for individuals with disabilities to seek help and support.

Negative impacts:

Stigmatisation: There may be a risk that individuals with disabilities feel that reporting sexual misconduct might inadvertently reinforce negative stereotypes about their vulnerability.

Inadequate training: If ICB colleagues are not adequately trained on the specific needs and rights of individuals with disabilities, the policy might not be effectively enforced.

Fear of repercussions: Individuals might fear negative consequences for reporting misconduct, especially if they feel their disability will lead to them being disbelieved or marginalised.

How will any negative impact be mitigated?

The existence of this policy and procedure should ensure that the ICB, through its managers, adopts a consistent approach. Prioritising accessibility, education, and a supportive environment can maximise the benefits of the policy. The links and guidance will be checked for inclusivity. The consistency of the application of the policy will be monitored by the people team. Members of the disability and long term conditions staff network will be encouraged to review the policy during consultation. People will be proactively asked if they require reasonable adjustments to the investigation process or in communication.

Does this have a positive or negative impact on people who identify as heterosexual, lesbian, gay, bisexual, pansexual or asexual?

Positive impacts:

Protection against discrimination: The policy can explicitly protect LGBTQ+ individuals from harassment and discrimination, creating a safer environment for them.

Empowerment: The policy can empower LGBTQ+ individuals to report misconduct without fear of retaliation or disbelief, fostering a sense of security.

Awareness and training: The policy promotes awareness of LGBTQ+ issues, helping to educate about respect and inclusivity.

Community support: The policy signals the ICBs commitment to diversity and inclusion, helping LGBTQ+ individuals feel valued and supported.

Negative impacts:

Implementation gaps: If the policy is not adhered to consistently, LGBTQ+ individuals may feel discouraged from reporting incidents, fearing they won't be taken seriously.

Cultural resistance: Colleagues may need to be reassured that they will not face backlash for reporting misconduct.

How will any negative impact be mitigated?

The impact of a sexual misconduct policy on LGBTQ+ individuals will be influenced by how effectively enforced the policy is. Ensuring that it explicitly addresses LGBTQ+ concerns and fosters an environment of respect and safety can lead to positive outcomes. The links and guidance will be checked for inclusivity. The consistency of the application of the policy will be monitored by the people team. Members of the LGBTQ+ staff network will be encouraged to review the policy during consultation.

What is the positive or negative differential impact on people from the perspective of age?

Positive impacts:

Protection and safety: For younger individuals, the policy can provide a safer environment by clearly defining unacceptable behaviours and establishing consequences. This can help prevent incidents and encourage reporting, which is crucial for mental and emotional well-being.

Awareness and education: The policy raises awareness about consent and respectful behaviour. This can be particularly beneficial for younger people who are still learning about boundaries and healthy relationships.

Support systems: For all age groups, the policy can ensure that there are support systems in place for people who have experienced sexual misconduct, such as counselling and legal assistance.

Negative impacts:

Fear of false accusations: Older individuals, especially those in positions of authority, might fear false accusations, which can lead to stress and anxiety.

Over-cautious behaviour: Some people might become overly cautious in their interactions, fearing that their actions might be misinterpreted. This could hinder open communication and collaboration.

How will any negative impact be mitigated?

Continuous education and open dialogue about the policy can help mitigate negative effects and enhance the positive outcomes.

What is the positive or negative differential impact on people from the perspective of religion or belief?

Positive impacts:

Alignment with ethical standards: Many religions emphasise respect, dignity, and ethical behaviour. The policy reinforces these values, promoting a safer and more respectful environment.

Support for people who have experienced sexual misconduct: The policy provides clear guidelines and support systems, which can be seen as compassionate and just, which are core principles in many faiths.

Educational opportunities: The policy can help individuals understand and respect boundaries.

Negative impacts:

None identified.

What is the positive or negative differential impact on people from the perspective of marriage and civil partnership? This is particularly relevant for employment policies.

Positive impacts:

Enhanced civility and respect: This policy can promote a culture of civility and respect by highlighting unacceptable behaviours, contributing to a culture of respect.

Accountability: Establishing clear consequences for misconduct holds individuals accountable, which can reinforce respect and equality in partnerships.

Support for people who have experienced sexual misconduct: The policy include support systems for people who have experienced sexual misconduct, which can help individuals feel empowered to speak out and seek help.

Negative impacts:

Overregulation: Some might feel that the imposes unnecessary regulations on personal relationships.

How will any negative impact be mitigated?

Overall, the sexual misconduct policy can provide an essential framework for ensuring civility and respect, but it does require careful implementation to consider any pitfalls that could affect the dynamics of marriage and civil partnerships.

Does this have a positive or negative impact on people who identify as trans or transgender, non-binary, or gender fluid?

Positive impacts:

Support systems: The policy includes resources and support for people who have experienced sexual misconduct, which can empower individuals to report misconduct without fear of retaliation.

Encouragement of inclusivity: The policy promotes a culture of respect and inclusivity, ensuring that all gender identities are recognised and valued.

Negative impacts:

Tokenism: There's a risk that the policy could be seen as superficial or merely performative, failing to address the deeper systemic issues faced by trans and non-binary individuals.

Fear of misrepresentation: Individuals may worry about being misrepresented or not taken seriously when reporting incidents.

Awareness: Lack of awareness of issues faced by the trans community may compromise the effectiveness of the policy leading to further marginalisation of these groups.

Overgeneralisation: If the policy doesn't account for the specific experiences of trans, non-binary, or gender fluid individuals it could fail to address their unique needs, leading to feelings of exclusion.

How will any negative impact be mitigated?

Ensure that people who have specific responsibilities within the policy have the necessary training and are able to help promote a culture of civility and respect for people who are trans or non-binary. The links and guidance will be checked for inclusivity. The consistency of the application of the policy will be monitored by the people team. Members of the LGBTQ+ staff network will be encouraged to review the policy during consultation.

Does this have a positive or negative impact on people who are pregnant, breast feeding mothers, or those on maternity leave?

Positive impacts:

Enhanced protection: The policy can protect pregnant individuals and new mothers from harassment and discrimination in the workplace, creating a safer environment.

Supportive work culture: The policy can foster a culture of respect and support, making it easier for pregnant individuals and mothers to voice concerns without fear.

Negative impacts:

Stigmatisation: Pregnant individuals and new mothers may fear being seen as less competent or capable, which could lead to increased scrutiny or negative perceptions.

Inconsistent enforcement: If the policy is not enforced consistently, it can leave pregnant individuals feeling unsupported and more vulnerable.

Lack of tailored support: If the policy does not specifically address the unique challenges faced by pregnant individuals and breastfeeding mothers, it could fail to provide adequate protection or resources.

How will any negative impact be mitigated?

The policy will offer essential protections and support for pregnant individuals, breastfeeding mothers, and those on maternity leave, but it must be implemented carefully with a commitment to fostering an inclusive and supportive environment.

Other identified groups

Employees in power dynamics

Positive impacts:

The policy can empower employees at all levels to speak up about misconduct, reducing the impact of hierarchical power dynamics.

Negative impacts:

Individuals in lower power positions may still feel intimidated or fearful about reporting misconduct, even with policies in place.

Students in educational settings

Positive impacts:

The policy can protect students, create a safer learning environment, and promote awareness about consent.

Negative impacts:

Students may feel that the policy create a punitive atmosphere that discourages open discussion about relationships and consent.

Individuals with past trauma

Positive impacts:

The policy can create an environment that promotes healing and support for those with a history of trauma related to sexual misconduct.

Negative impacts:

If the policy is not communicated sensitively, it may trigger anxiety or fear in individuals with past experiences of trauma.

How will any negative impact be mitigated?

The policy can have broad implications across various groups. Its effectiveness hinges on inclusive design, thoughtful implementation, and ongoing education to ensure that the needs of all individuals are considered and addressed.

Human rights values

How have the core human rights values of fairness, respect, equality, dignity, and autonomy been considered in the formulation of this policy, service, or strategy?

This policy ensures that all individuals are treated equally under the same standards, promoting fairness in handling complaints and enforcing consequences for misconduct. However if the policy is applied inconsistently or perceived as biased, it can undermine the principle of fairness, leading to feelings of injustice among those affected.

Which of the human rights articles does this document impact?

☒ To life
☒ Not to be tortured or treated in an inhuman or degrading way
☒ To liberty and security
☒ To a fair trial
☒ To respect for home and family life, and correspondence
☐ To freedom of thought, conscience, and religion
☒ To freedom of expression
☐ To freedom of assembly and association
☐ To marry and found a family
☒ Not to be discriminated against in relation to the enjoyment of any of the rights contained in the European Convention
☐ To peaceful enjoyment of possessions

What existing evidence (either presumed or otherwise) do you have for this?

It will promote a culture of consent and mutual respect, and encourage individuals to acknowledge each other's boundaries. It will enhance equality by protecting marginalised groups, ensuring that everyone has the same rights and protections against misconduct.

How will you ensure that those responsible for implementing the policy are aware of the human rights implications and equipped to deal with them?

Through;

- Comprehensive training
- Clear policy communication
- Accessible documentation and language that is easily understood
- Keeping all stakeholders informed about any updates or changes to the policy
- Inclusive stakeholder engagement
- The creation of supported resources
- Promoting a culture of civility and respect

Public Services (Social Value) Act 2012

The ICB is committed and obliged to fulfil the requirements of the Public Services (Social Value) Act 2012. This Act requires the organisations to consider how services commissioned or procured might improve the economic, social, and environmental wellbeing of an area.

Please describe how this will support and contribute to the local system, wider system, and community.

Please consider:

- The inclusion of small medium size enterprises (SMEs) in the process and supply chain
- Economic – promote skills, tackle worklessness, maintain employment, increase volunteer hours to support the community and promote inclusion
- Social – reduce anti-social behaviour, tackle exclusion by promoting inclusion including to vulnerable groups
- Environmental – support local, reduce congestion.

Through the development of the sexual misconduct, the ICB can enhance social value, ensuring that it not only comply with legal standards but also actively contributes to the wellbeing, safety, and empowerment of individuals and communities. This alignment with the social value act reinforces the commitment to delivering services that prioritise social outcomes alongside traditional measures of efficiency and effectiveness.

Describe how the policy contributes towards eliminating discrimination, harassment, and victimisation.

The policy fosters trust in public services, as individuals feel assured that their rights will be protected and concerns addressed. This policy directly addresses harassment of a sexual nature. It states that harassment or victimisation of anyone who has reported, or has helped someone else to report, sexual misconduct is unacceptable, as is any attempt to persuade or force an employee to not raise their concerns. Everyone will be supported when reporting sexual misconduct, whether their complaint is upheld or not.

Describe how the policy contributes towards advancing equality of opportunity.

By ensuring that all individuals are treated fairly and equitably, the policy promotes social inclusion, which is a core value of the act.

The policy supports marginalised groups and therefore contributes to greater equality, helping to empower individuals and enhance their participation in society.

Describe how the policy contributes towards promoting good relations between people with protected characteristics.

The policy promotes a culture where everyone is responsible for maintaining a safe environment, reflecting the act's emphasis on collective social value.

If the differential impacts identified are positive, explain how this policy is legitimate positive action and will improve outcomes, services and/or the working environment for that group of people.

This policy provides information about the support available and about the process used to keep people safe and manage concerns and reports. It provides advice about what to do when someone makes a disclosure about sexual misconduct and a checklist of information to be collected when someone wants to report this to the organisation. The policy outlines legitimate positive action to reduce harassment and victimisation for our colleagues.

Explain what amendments have been made to the policy or mitigating actions have been taken, and when they were made.
Not applicable.

If the negative impacts identified have been unable to be mitigated through amendment to the policy or other mitigating actions, explain what your next steps are using the following equality impact assessment action plan.
Not applicable.

Signed (completing officer): Jo Tomlinson

Date: November 2024

Signed (head of department or section): Emma Goudge

Date: November 2024