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Sexual Harassment Policy

Metanoia Institute

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Related policies

- Disciplinary Policy
- Whistleblowing Policy
- Grievance policy
- Wellbeing and Right to Disconnect Policy
- Dignity at Work Policy
- Personal Relationships in the Workplace
- Safeguarding Policy (students)
- Student Complaints Policy and Procedure
- Student Code of Conduct
- Student Disciplinary Procedure

External Reference

- The Employment Rights Act 1996
- Employee Assistance Programme
- <http://www.acas.org.uk/media/pdf/o/c/Bullying-and-harassment-at-work-a-guide-for-employees.pdf>

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Metanoia Institute Sexual Harassment Policy

1. Policy Statement:

1.1 Metanoia recognises All members of staff are entitled to be treated with dignity and respect in our place of work. This means freedom from sexual harassment, feeling safe and supported, and having access to redress if such behaviour does arise.

1.2 Sexual harassment takes many forms but whatever form it takes; it is unlawful under the Equality Act 2010 as amended. We will not tolerate it.

2. Purpose:

The law requires employers to take reasonable steps to prevent sexual harassment of their workers. We take action to prevent sexual harassment from occurring and have clear reporting procedures for our staff to make a complaint about sexual harassment. If you have been sexually harassed, or you have witnessed sexual harassment, we encourage you to tell us so that we can deal with the matter swiftly.

3. Scope:

3.1 We deplore all forms of sexual harassment and seek to ensure that the working environment is safe and supportive to all those who work for us. This includes employees, workers, agency workers, volunteers and contractors in all areas of our Company, including any overseas sites.

3.2 This policy covers behaviour which occurs in the following situations:

- a) a work situation
- b) a situation occurring outside of the normal workplace or normal working hours which is related to work, for example, a working lunch, a business trip or social functions
- c) outside of a work situation but involving a colleague or other person connected to the Company, including on social media
- d) against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

3.2 Instances of sexual harassment or victimization may lead to disciplinary action including termination of employment.

4. Definitions:

4.1 Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It also covers treating someone less favourably because they have submitted to or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex.

4.2 Sexual harassment may be committed by a fellow worker, an agent of an organisation, or a third party. It does not need to occur in person. It can occur via digital means including social media sites or channels e.g. WhatsApp. Someone may be sexually harassed even if they were not the target of the behaviour. Examples of sexual harassment include, but are not limited to:

- a) sexual comments or jokes, which may be referred to as 'banter'
- b) displaying sexually graphic pictures, posters or photos
- c) suggestive looks, staring or leering
- d) propositions and sexual advances
- e) making promises in return for sexual favours
- f) sexual gestures
- g) intrusive questions about a person's private or sex life or a person discussing their own sex life
- h) sexual posts or contact in online communications including on social media
- i) spreading sexual rumours about a person
- j) sending sexually explicit emails, text messages or messages via other social media
- k) unwelcome touching, hugging, massaging or kissing

4.3 Victimisation is subjecting someone to detriment because they have done, are suspected of doing, or intend to do an act which is protected under discrimination and harassment laws. It is not necessary for the person to have done the protected act in order for detrimental treatment to be considered as victimisation.

4.4 The protected acts are:

- a) making a claim or complaint under the Equality Act 2010 (for example, for discrimination or harassment)
- b) helping someone else to make a claim by giving evidence or information in connection with proceedings under the Equality Act 2010
- c) alleging that someone has breached the Equality Act 2010, or
- d) doing anything else in connection with the Equality Act 2010

4.5 Examples of victimisation may include:

- a) Failing to consider someone for promotion because they have previously made a sexual harassment complaint
- b) Dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint
- c) Excluding someone from work meetings because they gave evidence as a witness for another employee as part of an employment tribunal claim about harassment.

5. Roles and Responsibilities

5.1 People and Culture Department has overall responsibility for the operation of this policy but may delegate elements of implementation or decision making to Executive Members or Heads of Departments. All Metanoia managers will maintain an open-door policy. All our staff have a responsibility to behave in line with the requirements of this policy.

6. Reporting:

6.1 We are committed to ensuring that there is no sexual harassment or victimisation in our workplace. Allegations of sexual harassment and victimisation will be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance with the principles of our disciplinary procedures, a copy of which is available on HR-Tool Kit.

6.2 Informal complaint:

6.2.1 We recognize that complaints of sexual harassment or victimization can be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether that person has a direct

supervisory responsibility for you) as a confidential helper. This person cannot be the same person who will be responsible for investigating the matter if it becomes a formal complaint.

6.2.2 If you experience sexual harassment and you feel comfortable to do so, you should make it clear to the harasser on an informal basis that their behavior is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

6.2.3 In addition, you may also choose to raise concerns during your regular communication with your manager, for example, in a 1-2-1 meeting. Your manager will listen to you and take your concerns seriously if you do this but may encourage you to follow the reporting procedures set out below.

6.3 Formal complaint:

6.3.1 Where the informal approach fails or you do not wish to use the informal procedure, you should bring the matter to the attention of (**Senior Manager**) as a formal written complaint and again your confidential helper can assist you in this. Alternatively, you can report instances by emailing hrconfidentail@metanoia.ac.uk.

If possible, you should keep notes of what happened so that the written complaint can include:

- a) the name of the alleged harasser.
- b) the nature of the alleged harassment.
- c) the dates and times when the alleged harassment occurred.
- d) the names of any witnesses; and
- e) any action already taken by you to stop the alleged harassment.

6.3.2 On receipt of a formal complaint, we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.

6.3.3 The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. The

meeting will normally be held within five working days of receipt of your complaint. You have the right to be accompanied at such a meeting by your confidential helper or another colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act confidently and any breach of confidence may be dealt with under the disciplinary procedure.

- 6.3.4 On conclusion of the investigation, which will normally be within ten working days of the meeting with you, the decision of the investigator, detailing the findings, will be sent in writing to you.
- 6.3.5 You have the right to appeal against the findings of the investigator. If you wish to appeal, you must inform a member of the People and Culture team within five working days. You will then be invited to a further meeting. As far as reasonably practicable, the Company will be represented by a more Senior Manager than attended the first meeting (unless the most Senior Manager attended that meeting).
- 6.3.6 Following the appeal meeting, you will be informed of the final decision, normally within ten working days, which will be confirmed in writing.
- 6.3.7 Regardless of the outcome of the procedure, we are committed to providing the support you may need. This may involve mediation between you and the other party or some other measure to manage the ongoing working relationship.
- 6.3.8 You will not be victimized for having made a complaint.

7. Witness Reporting:

- 7.1 If you witness sexual harassment or victimisation, you are encouraged to take appropriate action to address it. You should not take any action that may put you at risk of sexual harassment or other harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support to the person who has been sexually harassed and encouraging them to report the incident or reporting the incident yourself.
- 7.2 If reporting the incident, you should bring the matter to the attention of the People and Culture Team in writing. Alternatively, you can report instances of sexual harassment by emailing hrconfidential@metanoia.ac.uk.

7.3 Your concerns will be handled by a Senior Manager who will sensitively talk to the person subject to sexual harassment to determine how they want the matter to be handled.

8. Third-Party Sexual Harassment:

8.1 Third-party sexual harassment occurs when a staff member is subjected to sexual harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our students, suppliers, clients, service users, friends and family of colleagues, delegates at a conference, audiences, self-employed contractors etc.

8.2 Third-party sexual harassment of our staff is unlawful and will not be tolerated. The law requires employers to take steps to prevent sexual harassment by third parties.

8.3 The law does not provide a mechanism for individuals to bring a claim of third-party harassment alone. However, failure for an employer to take reasonable steps to prevent third-party sexual harassment may result in legal liability in other types of claims.

8.4 If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to People and Culture Team in writing. Alternatively, you can report instances of sexual harassment by emailing hrconfidential@metanoia.ac.uk.

8.5 Should a student sexually harass a member of our workforce, we will investigate fully using the appropriate investigation procedures and act when necessary.

8.6 Should a third party (other than a student) sexually harass a staff member we will warn the third party about their behavior/ban them/share information relating to the incident with our other offices/branches. Any criminal acts will be reported to the police.

8.7 We will not tolerate sexual harassment by any member of our workforce against a third party. Instances of sexual harassment of this kind may lead to disciplinary action including termination of employment.

9. Disciplinary Action:

9.1 If the decision is that the allegation of sexual harassment or victimisation is well founded, the harasser/victimiser will be liable to disciplinary action in accordance with our disciplinary procedure up to and including summary dismissal. An employee who receives a formal warning or who is dismissed for sexual harassment/victimisation may appeal by using our disciplinary appeal procedure.

9.2 When deciding on the level of disciplinary sanction to be applied, we will take into consideration any aggravating factors affecting the case. One example of aggravating factors is an abuse of power over a more junior colleague.

9.3 If, due to the investigation, it is concluded that your complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

10. Training:

Sexual Harassment training is provided through the companies iLearn system. All staff must complete the training. The training defines the impact and scale of the issue of sexual harassment in the workplace. It provides practical advice on how to manage sexual harassment incidents and where to look for further help and advice.

11. Monitoring and Review:

This policy is reviewed regularly to ensure it remains up to date and in order to monitor its effectiveness. Any changes required will be implemented and communicated to our workforce. Metanoia Managers: are responsible for ensuring that the process is followed and where appropriate referred to the Metanoia People Team to guarantee that all matters are resolved promptly and fairly.

All staff are advised to familiarize themselves with this policy and the appropriate Metanoia Policies. Any issues related to this policy, please contact hr@metanoia.ac.uk