



Little Forest Folk

Identifying, Preventing and Reporting Sexual Harassment in the Workplace Policy

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Our Aim

Little Forest Folk is committed to providing an inclusive, supportive and safe environment for everyone who works here. This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers and volunteers.

The aim of this Policy is to prevent, respond to incidents that arise, and take action to effect long-term change by:

- Educating all staff about sexual harassment and their role in developing a culture free from harassment.
- Fostering a working environment that supports the dignity and respect of all stakeholders and is free from any form of discrimination, bullying, harassment, and violence, including gender-based violence.
- Where harassment does occur, providing a process and procedure for dealing with it to ensure it is properly managed.
- Capturing learning from what happened to help further develop an environment free from harassment.

Everyone has a part to play in being aware of, preventing and dealing with sexual harassment in the workplace. The Policy sets out the expectations for the behaviour of our staff as well as what we can do to protect all staff from sexual harassment. It is supported by the senior leadership team within the organisation who will all be visible champions of this Policy.

We will not tolerate any form of sexual harassment in the workplace. The company will treat all incidents seriously and promptly investigate all allegations of sexual harassment. There is no time constraint around reporting an incident of sexual harassment under this Policy and our Grievance and Disciplinary Policy and Procedure.

As per the Code of Conduct in our Employee handbook, Sexual harassment is viewed as a gross misconduct offence and could render the employee liable to disciplinary action up to and including dismissal without notice.



No one will be victimised for making a complaint of sexual harassment or for helping another person to make such a complaint. This means that anyone who makes such a complaint or who helps someone to make such a complaint, for example by giving evidence or information, will not be treated unfairly due to their actions.

The following policies should be read in conjunction with this policy:

- Employee Handbook
- Complaints Policies
- Equal Opportunities and Inclusion Policy
- Health and Safety at Work Policy
- Whistle Blowing Policy
- Internet and Social Media Policy
- Data Protection Policy

What is Sexual Harassment?

Sexual harassment in the workplace is prohibited under the Worker Protection (Amendment of Equality Act 2010). It occurs when a person is subjected to **unwanted conduct** of a sexual nature which has the purpose or the effect of:

- violating the person's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Unwanted conduct that has one of these effects can be harassment even if the effect was not intended. A single one-off event or a series of incidents can amount to sexual harassment. A person can be affected by sexual harassment even if the conduct is not targeted at them.

Anyone can be a victim of sexual harassment, regardless of their sex, sexual orientation or gender identity or that of the harasser. Sexual harassment may also occur between people of the same sex. We recognise that sexual harassment often arises as a form of violence against women and girls, however, sexual harassment can also be a form of violence targeted at men and those with non-binary gender identities.



Sexual harassment is often (but not always) a manifestation of power relationships and frequently occurs within unequal relationships in the workplace, for example between manager or supervisor and a more junior colleague, or a longstanding employee and a new joiner. It frequently arises as the result of sexism and power inequalities between women and men. In cases where sexual harassment is found to have occurred, such abuses of power will be taken into account. As a gross misconduct offence and could render the employee liable to disciplinary action up to and including dismissal without notice.

We also recognise that certain vulnerable or minority groups may be more at risk from sexual harassment. Where a person has more than one protected characteristic, this may increase the risk of them experiencing sexual harassment. This is because multiple categories of identity such as gender, race, sexuality, trans status, religion and disability can interact in ways that create complex systems of oppression and power which can result in harassment based on a combination of different aspects of a person's identity. We refer to this as intersectional harassment.

Unwanted conduct covers a wide range of behaviour which is unwanted or unwelcome. Types of behaviours which constitute sexual harassment include, but are not limited to:

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging.
- Fondling, or inappropriate touching.
- Physical violence, including sexual assault and rape.
- The use of job-related threats or rewards to solicit sexual favours.

Verbal conduct

- Banter
- Mimicry
- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories, jokes or pranks
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks



- Sending/sharing sexually explicit messages/images (by any medium)
- Coercion
- Gaslighting (a form of covert emotional abuse)

Non-verbal conduct

- Display of sexually explicit or suggestive material or imagery
- Graffiti
- Posts or contact on social media
- Sexually suggestive gestures
- Facial expressions
- Whistling
- Leering
- Predatory behaviour

The effect of such behaviour and whether it is unwanted should be considered from the point of view of the person who feels harassed (the "recipient").

There may be other sexual behaviour, which though not unwanted, is still inappropriate in the workplace (including in a place that may legally count as work such as at a work event or walking home). For example, engaging in a consensual sexual act in the workplace. **We do not permit sexual contact in the workplace** and any such behaviour may still be addressed as a breach of the sexual harassment policy. We recognise that if this behaviour were allowed to take place, there is a risk of one party believing that the conduct is welcome and the other considering the conduct to be unwanted, either at the time or in hindsight. This can increase the risk of sexual harassment.

This policy will apply to any unwanted conduct that occurs in the course of a person's work and which takes place at their place of work, including in their home while working from home, on their commute, or at/while travelling to a place which is not their place of work if they are there for any reason related to their work, including for a work related social event, business trip, training session or conference.

The sexual harassment of staff will not be tolerated, whether caused by those that work here or third parties including customers, suppliers, clients or visitors to our premises. Any



instance of work-related sexual harassment should be reported in line with this policy, regardless of who the alleged perpetrator is.

Preventing Sexual Harassment

Responsibilities of Managers and Supervisors.

All those with line management responsibility must ensure that all workers are aware of this policy and understand their own, and the organisation's responsibilities.

Targeted training on sexual harassment will be provided to all managers.

Managers and supervisors have a particular duty to ensure that, within their area of responsibility, everyone is treated with dignity and respect.

To discharge this duty, they must:

- Always challenge any unacceptable or questionable behaviour that they become aware of even if they are not directly affected.
- Be aware of behaviour and language that can cause offence including jokes and banter, and if necessary, remind workers of the expected standards.
- Respond to complaints of sexual harassment swiftly, sensitively and objectively using specified procedures
- Deal directly with third party perpetrators (such as parents, visitors or contractors) outlining actions which may include withdrawing service, terminating a contract, banning from the premises if behaviour is not moderated.
- Ensure that this policy is followed.

HR will assist any line manager in dealing with complaints of sexual harassment.

All complaints of sexual harassment must be dealt with in accordance with Little Forest Folks Data Protection Policy.

Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions.

All stakeholders are advised of our confidentiality policy and required to respect it. Please refer to our Information Sharing Policy and Procedure available from our website for more details www.littleforestfolk.com/policies.





In terms of their own behaviour, managers and supervisors are expected to be examples to others. Any inappropriate behaviour or response to such behaviour or abuse of a manager's positional power will serve to condone harassment and will be considered a serious breach of this Policy and be managed under the Disciplinary Policy. A line manager's failure to actively implement this policy within their area of responsibility, or to fail to deal with sexual harassment when they become aware of it, could constitute a breach of this policy and their employment contract, and disciplinary action may be taken.

Responsibilities of team members

All staff have a responsibility to contribute to a respectful and productive working environment. This includes supporting and caring for their colleagues, customers and service users. All staff have a duty to assist in the creation of a safe working environment, where sexual harassment is not tolerated

To discharge this duty, individual members of staff must:

- Ensure they understand what sexual harassment is.
- Be aware of how their behaviour may affect others.
- Challenge unacceptable behaviour wherever possible as long as it is safe to do so. Forms of intervention include: calling out behaviour that is unacceptable when it happens and addressing the person who is behaving inappropriately; taking steps to defuse the situation/redirect those involved; checking in with the recipient of the behaviour after it has taken place, assuring them that what occurred was not acceptable.
- Report incidents of sexual harassment when witnessed and/or support recipients of sexual harassment in reporting it.
- Co-operate in investigations into alleged sexual harassment.



How to make a report if you are the recipient of Sexual Harassment or have witnessed the sexual harassment of others

Recipients of sexual harassment are encouraged to report any instances of sexual harassment, victimisation or discrimination experienced. Reporting is an important step in preventing the behaviour and is important to the recipient's ongoing health, safety and wellbeing, and will enable them to access appropriate guidance and support. However, we recognise that there may be many reasons that someone who has experienced sexual harassment may not report it and are committed to making it easier and less stressful to do so.

You do not have to be the recipient or target of sexual harassment to raise a concern or make a complaint. If you see it happening or become aware of it, you should report it provided it is safe to do so and you feel able to do so. We recognise that past experience of sexual harassment may make this difficult. Your actions can be important in helping create a culture free from sexual harassment and ensuring that there are no bystanders. Tackling sexual harassment is everybody's responsibility.

Informal Reporting

Dealing with a problem informally means taking steps to resolve it without using a formal grievance procedure.

It may be possible to resolve a complaint informally. This can be quicker and less stressful for everyone. However, not every situation is suitable to be handled informally.

A recipient or witness of sexual harassment in the workplace may want to speak to their line manager or HR informally to raise their awareness of unacceptable behaviour, seek informal advice or support in asking a colleague/third party to stop the behaviour.

If a person reports sexual harassment to a supervisor, manager or HR Officer but does not want to take the matter any further, the individual receiving the complaint will keep in contact with them to periodically check whether the situation has improved.

Although the wishes of the complainant to keep the report on an informal footing will be adhered to wherever possible, there may be some circumstances where the harassment is of such a serious nature that the employer will need to take action because of the high



immediate risk to the safety of the complainant, or others with whom the perpetrator may come into contact with. In such situations, the employer will put in place appropriate safeguards, such as instigating a formal investigation with suspension, or transfer of the alleged perpetrator, to prevent further harassment, or victimisation of the complainant.

Formal Reporting

If informal action does not stop the sexual harassment, or a formal report is made, a formal procedure should be initiated in line with the grievance process outlined in the Employee Handbook.

A person who believes that they have been sexually harassed and who decides, whether after discussions with HR or not, to formally report it should, in the first instance, report the alleged act or acts to:

If the complaint is against a fellow colleague or third party	Report to your line manager
If the complaint is against your line manager	Report to the Operations Manager -Xiao Flynn
If the complaint is against the Operations Manager	Report to the Director of Operations - Jeni Dunning
If the complaint is against the Director of Operations	Teresa Brooke - Managing Director, Bright Stars Nursery Group (parent company)

Where possible, the employee should set out in writing details of the complaint including dates and times of the alleged incident(s) and an account of the behaviour.

Reporting a Crime to the Police

Where a serious crime has been committed, such as sexual assault or rape, someone may also choose to make a report to the police.

Regardless of the report being made informally or formally, if the manager handling the complaint believes that a serious crime has been committed they will encourage the recipient to make a report to the police. They will not apply pressure and respect the recipient's decision if they chose not to make a report. However, should the manager handling the complaint have reason to believe that the alleged perpetrator still poses a risk



to the recipient or to the safety of others in the workplace, they can make a report to the police but will inform the recipient if this is the case.

Little Forest Folk might have to wait for the criminal process to finish before it can:

- investigate the complaint
- carry out a workplace disciplinary procedure

Little Forest Folk will:

- check with the police before doing either of those things, to make sure there's no risk of prejudicing the criminal process
- consider getting legal advice
- give information to the police if they ask for it

We will ensure that the complainant, and the alleged perpetrator, are not required to work together while the complaint is under investigation. In a serious case, as a precautionary measure for the protection of the complainant or to prevent interference in the investigation, the alleged perpetrator may be suspended while investigation and any subsequent disciplinary procedure are undertaken. Such suspension will be for as short a time as possible, will be on full pay and will not amount to a disciplinary sanction.

If the criminal process does not result in a conviction, Little Forest Folk would still take disciplinary action. This is because the level of evidence needed to prove a crime is higher than what's needed for an employer's disciplinary procedure.

Little Forest Folk - Internal Investigation Process

At the outset of the investigation the position concerning confidentiality will be explained to participants before they take part. In practice, there will be a requirement for those giving evidence (including complainers and alleged perpetrators) to the investigation to keep what they have said in the process confidential (though they will be given details of those in the organisation that they can speak to for support).

It will also be explained how the information they provide in the process may be used and shared in the future. While the sensitive nature of information will be respected and it will be managed accordingly, participants should understand that the information may be used as part of a subsequent HR process. For example, it could form part of a disciplinary investigation in which case the information would be shared with the alleged perpetrator. It



may be that materials are ultimately used as evidence in legal proceedings which could be held in a public forum.

Within the organisation, confidentiality will be maintained as far as possible, with information only being shared when appropriate. We may at times need to involve external agencies where a criminal offence may have been committed, or if maintaining confidentiality would pose a risk to the complainant or to others. In all other circumstances, breach of confidentiality may be a disciplinary offence.

Staff shall be guaranteed a fair and impartial hearing whether they are the complainant or the alleged perpetrator.

As a first stage in investigating the complaint, a manager ('the Investigator') will arrange to interview separately the complainant, and the alleged perpetrator, both of whom may be accompanied by a trade union representative or work colleague or any other person of the complainant's choosing if requested. We recognise that the complainant may prefer to talk to an investigator of the same sex, and this will be facilitated wherever possible.

Managing a complaint under this Policy will mirror the structure of any other grievance process outlined in our complaints policy and Employee Handbook while also recognising the unique issues and skillsets that may be needed to properly manage a sexual harassment complaint.

An investigator will be appointed. The default position is that the investigator will hold the same role as a Grievance Chair. Their remit will be to:

- (i) investigate the complaint;
- (ii) provide an outcome to the complainant; and
- (iii) where appropriate make a recommendation as to whether the matter should be referred to a disciplinary process centred around the alleged perpetrator.

Our default approach is for the person investigating the concern to decide on the outcome for the complainant, because they will have a first-hand understanding of all of the information and have spoken with all witnesses. This reduces the need for the person raising the concern to retell their story to multiple people and we hope will therefore minimise the need to re-open any past trauma.



As explained at (iii) above, one possible outcome could be that disciplinary action is recommended, in which case the investigation carried out under this policy will form part of the disciplinary investigation. An independent manager will always be appointed as Disciplinary Chair. The Disciplinary Chair will be responsible for satisfying themselves that a reasonable investigation has been carried out.

The Disciplinary Chair may also carry out further investigation themselves. It is possible that in a sexual harassment matter a disciplinary Chair may wish to speak to certain witnesses including the person who raised the complaint first hand to gain a fuller understanding of their evidence. The Disciplinary Chair will conduct a fair disciplinary process while remaining mindful of minimising the circumstances in which a complainant is required to re-tell their account as this may re-open past trauma.

A timeline for completion of the investigation will be set and communicated to the complainant, along with regular updates on progress. Should the timeline be subject to change, a clear explanation will be provided to the complainant by the investigator. We will also explain to recipients of sexual harassment when information may be shared with an alleged perpetrator to ensure that they are not surprised at any stage in the process.

We also recognise that when a workplace matter is also the subject of potential criminal investigation, the alleged perpetrator may be seeking independent legal advice, and as part of that may be advised not to participate in the internal work process as this could impact upon criminal proceedings. We will not draw any adverse inference from any lack of participation in the process for this reason (i.e. we will not assume that a failure to respond suggests a person is guilty of wrongdoing). However, we may still need to progress matters and take a decision on next steps based on the information available.

At the end of the investigation, the investigator will provide a detailed response in writing to the complainant specifying outcomes wherever appropriate. If the complaint is upheld, this will include details of the action taken to address the specific complaint and of any preventative or structural measures taken to safeguard against future incidents of a similar nature.

If the outcome of the complaint is that the matter will proceed to a disciplinary process, the complainant will have a right to know that this will be pursued under a disciplinary procedure. However, they will not have the right to know what the outcome of that procedure was or if any sanction has been imposed. We recognise that this can be incredibly frustrating. Some sanctions (for example, an exit from the organisation or apology) will be visible and this can help to reassure the complainant that action has been taken. Other sanctions are "invisible" to others in the organisation (for example, a disciplinary warning or training requirement) and this can lead to concern that no action has been taken. In other situations, processes can be



delayed (for example, to accommodate illness or hurdles in the investigation process). We wish to reassure all those involved that just because action cannot be seen does not mean steps are not being taken. As an employer we have a duty towards all employees and must respect the confidentiality expectations of staff who are the subject to disciplinary proceedings.

If relocation proves necessary, the perpetrator and not the complainant will be relocated unless the complainant requests otherwise.

Where the complaint is not upheld, or proceeds to a disciplinary process under which the outcome involves the alleged perpetrator remaining with the organisation, the disciplinary outcome will include the option of a facilitated reconciliation meeting, at which the perpetrator will be required to attend, and the complainant will have the option to attend at their discretion. Support will be made available to all parties involved. The aim will be to understand and re-build professional relationships where possible, failing which to provide closure as far as possible and enable the organisation to learn and move forward. Mediation and/or an offer of redeployment may also be offered to affected parties.

Outcome and Sanctions for Committing Sexual Harassment

In some cases the outcome of a complaint under this procedure may be an informal resolution, such as an apology or mediated discussion with the alleged perpetrator about how their behaviour is received, or that the matter is not found to amount to sexual harassment. If this is the case the information will be provided to the complainant and any alleged perpetrators. There will be support provided in dealing with the outcome.

If a complaint of sexual harassment is upheld, then it will progress to a disciplinary process. These steps will be taken in accordance with the Code of Conduct and Disciplinary Policy and Procedure which can be found in the Employee Handbook.

We also recognise that the standard of proof in a workplace matter is lower than that in a criminal matter. As such, it is possible for there to be different outcomes in different processes as a result of their different remit and scope.

Right of Appeal

Both parties have the right to appeal as per our Disciplinary Policy and Procedure and right to appeal which can be found in the Employee Handbook.



Further Information and Support Services

To help you understand your rights and options, employers and anyone affected by sexual harassment at work can:

- Little Forest Folk EAP (Employee Assistance Programme) via Paycare
- ACAS
- Talk to your trade union or employers' association if you have one

Help after sexual assault or rape

.You can get help and information from:

- The Survivors Trust
- Galop – LGBT+ sexual violence support
- SurvivorsUK – male rape and sexual abuse support

Find out about other help after sexual assault on the NHS website.