

Tackling Sexual Harassment and Misconduct

Introduction

There are several reasons why employees might be hesitant to report sexual harassment in the workplace. These reasons can vary based on individual circumstances, workplace culture, and societal factors. Some common reasons include:

1. **Fear of Retaliation:** You may fear negative consequences such as job loss, demotion, or isolation if you report sexual harassment. Retaliation can take many forms, and the fear of it might discourage you from coming forward.
2. **Power Dynamics:** If the harasser holds a position of authority or influence within the organisation, you may be concerned that your complaint will not be taken seriously or that you will not be believed.
3. **Stigma and Shame:** Victims of sexual harassment may feel ashamed, embarrassed, or stigmatised, making it difficult to share experiences with others, especially if you believe the workplace lacks a supportive and understanding environment.
4. **Impact on Career:** Reporting harassment might be perceived as detrimental to your career, and you worry that being labelled as a complainer could hinder your advancement within the company.
5. **Lack of Trust:** If you believe the organisation has a history of not addressing harassment complaints appropriately or if employees have witnessed others being ignored or mistreated after reporting, you may lack trust in the reporting process.
6. **Privacy Concerns:** You may worry about your privacy being compromised during the investigation process, leading to a reluctance to come forward.
7. **Minimisation or Dismissal:** You might fear that your complaint will not be taken seriously or that your experience will be minimised or dismissed by management or colleagues.
8. **Cultural Norms:** Societal and cultural factors can influence an individual's perception of harassment and their willingness to report it. In some cultures, discussing issues related to sex and gender may be considered taboo.

9. **Lack of Awareness:** Some employees might not be fully aware of what constitutes sexual harassment or may not recognise certain behaviours as harassment, leading them to tolerate or overlook inappropriate conduct.
10. **Fear of Damaging Relationships:** Reporting harassment could potentially strain relationships with colleagues, supervisors, or even the harasser, making some employees hesitant to take that step.
11. **Isolation and Pressure:** Victims may feel isolated if they believe they are the only ones experiencing harassment, or they might feel pressure not to report if others around them are also tolerating the behaviour.
12. **Emotional Toll:** Experiencing sexual harassment can be emotionally distressing. Some employees may avoid reporting to avoid reliving the trauma during the investigation process.

LSTM is committed to addressing these concerns and creating a supportive and respectful workplace culture that encourages employees to come forward and report sexual harassment without fear of negative consequences. We will prioritise prevention, education, clear reporting mechanisms, and supportive policies to create an environment where employees feel safe and empowered to report harassment.

What are Sexual Harassment and Misconduct?

Sexual harassment and misconduct relate to all unwanted conduct which is related to an individual's sex or of a sexual nature. Being treated differently because you have submitted to or rejected unwanted conduct of a sexual nature or related to sex or gender reassignment is also included.

Our definition of harassment also includes domestic violence or abuse, (which can include can also involve control, coercion, and threats) and stalking.

Sexual harassment and misconduct can be perpetrated by any person, regardless of gender, and can be through any medium, including online. If you were in a relationship which has ended, any unwanted sexual conduct from your former partner after you have broken up can be sexual harassment or misconduct.

LSTM does not tolerate sexual harassment, misconduct, or any other detrimental treatment that is motivated by any aspect of sex. We are committed to supporting all members of the LSTM community and ensuring they are treated with dignity and respect, regardless of their personal characteristics. Harassment, bullying, discrimination, and victimisation are all prohibited by our Dignity at Work and Study Policy.

Examples of sexual harassment or misconduct

Sexual harassment and misconduct are broad terms that can cover a wide range of unwanted behaviour based on someone's sex or gender, some of which can also be criminal offences. Examples are (this list is not exhaustive):

- Making inappropriate gestures or staring
- Sending emails, displaying, or creating material containing offensive content
- Preventing individuals progressing by intentionally blocking promotion or training opportunities
- Refusing to work with someone or isolating them.
- Spreading rumours or malicious lies
- Using inappropriate terms or making inappropriate comments
- Using derogatory nicknames or name calling
- Unwanted comments on dress and/or appearance
- Request for sexual favours
- Using humour to put a group of people down.
- Whistling or other sexually suggestive noises/remarks, flirting or innuendo.
- Intrusive questioning
- Unwanted touching, groping or the invasion of personal space (getting too close)
- Unwanted sexual advances
- Physical or sexual abuse and/or exploitation
- Persistent unwelcome contact including text messages, emails, phone calls, gifts.
- Spying, stalking, or pestering
- Taking and/or sending photographs or 'upskirting' an individual
- Stereotyping and Gender roles; reinforcing traditional gender roles or stereotypes through comments or actions that perpetuate biases.
- Undermining professional authority (discrediting, belittling, or questioning the professional competence of someone based on their gender or sexual orientation)

What should I do if this has happened or is happening to me?

If you feel you are or have been treated differently because of your sex or gender, or have experienced unwanted conduct of a sexual nature, we encourage you to report this to us. Reporting means that we can investigate, take any actions required, and ensure that we learn from what happened to reduce the likelihood of it ever happening again.

LSTM encourages all colleagues to report any incidents of sexual harassment if witnessed.

Reporting to us also means that we are aware that something has happened, and we can talk to you about how you would like us to support you.

What options do I have?

You can choose to raise your complaint informally or formally. Your manager, our Dignity and Respect Champions or your HR representative can talk you through our Dignity at Work and Study policy and processes and talk you through the options.

If you want to raise your concern informally, speak to your HR representative who will be able to talk you through the options. When a concern is raised informally, there will not be a full investigation into what has happened, but the process will still focus on resolution (i.e., stopping the behaviour that concerns you). Please be aware that informal procedures may not be the best way forward for more serious concerns and your HR representative will be able to advise you.

Details on how to raise a formal complaint are below. Students should reference the separate student guidance on complaints.

However, you choose to report your complaint to us, please remember that the organisation will support you. You will not be treated less favorably because you have raised or supported a genuine complaint – this would be victimisation and is prohibited in our Dignity at Work and Study policy.

What about sexual crimes?

Some types of sexual harassment and misconduct can be considered criminal offences and can be reported to the police. The CPS have an overview of what is considered a sexual offence in the UK [here](#).

We encourage anyone who has been subjected to a sexual crime to report this to the police. Merseyside Police have further details on how to report sexual crimes to them [here](#) and also information to help if you are not sure whether to report a crime [here](#). They also have details on organisations who can support you before, during and after your decision on whether to report to the police [here](#).

Regardless of where the crime took place and whether or not you decide to report it to the police, you can contact the HR team or the Dignity at Work Champion to access support. Letting us know about what has happened will help us to support you – we are not here to judge. We can also signpost you to specialist support services that can help.

If the person who did this to you works for LSTM, we will also investigate what happened, take any actions required, make sure you are safe at work, and ensure we learn from what happened to minimise the risk of it happening again. If you have reported a crime to the police, we will liaise with them regarding our processes and take their advice on how to proceed.

What if I know or think this is happening to someone else?

If you think someone is being treated differently because of something related to their sex/gender, or is receiving unwanted conduct of a sexual nature:

- You can speak to the person affected about what you think is happening and support them in their decision on whether to report the issue.
- You can make a formal report to us (details below) We will speak to you and the person affected. Wherever possible, we will leave the decision on whether to proceed with the person affected, but in some cases, we may feel it is appropriate to pursue the matter.
- You can report any sexual crimes directly to the police. Information from Merseyside Police on how you can report on behalf of someone else or as a witness to a crime is available [here](#).
- You can report any harm, abuse or exploitation of vulnerable adults or children to our Designated Safeguarding Lead using our independent external [Freedom to Speak Up portal](#), by completing a paper-based safeguarding incident disclosure form and sending it to safeguarding@lstmed.ac.uk, or by contacting a Safeguarding Focal Point

How do I make a formal complaint to LSTM?

You do not have to have gone through the informal procedure before raising a formal complaint. You can formally raise your complaint in the following ways:

- Speak to a member of our HR team.
- Send an email to HR@lstmed.ac.uk
- Use our independent external [Freedom to Speak Up portal](#).
- The independent external Freedom to Speak Up portal allows anonymous reporting of issues, but please be aware that not knowing your name will mean we cannot ask any questions to clarify our understanding and it may be more difficult to investigate and/or resolve your concern. See our further guidance on anonymous reporting [\[here\]](#)

When you are reporting your complaint to us, we will need to know the following details:

- What happened?
- Who did it?
- When did it happen?
- Did anyone else witness it? (and if so, who?)
- Has any action been taken so far?

What will happen if I make a formal report?

Firstly, a member of the HR team will be allocated to your complaint. They will contact you to talk you through the process, answer all your questions and discuss any support you may need.

We will discuss your current work and wellbeing situations with you, to see if there are any changes that could be made to your working environment that would support you or increase your safety and security Any action taken will depend on your individual situation and will be discussed with you. We will also assess the situations

of the other people named in your complaint, including witnesses.

Next, an investigating officer or panel will be appointed to look into your complaint. Depending on the circumstances of your complaint, this could be a colleague or colleagues who have not had anything to do with the situation, or an external person/people. The person leading the investigation will have had training in dealing with complaints of sexual misconduct. You will have a formal meeting with them to discuss what happened. There will be a member of the HR team there and you can also bring an LSTM colleague or trade union representative with you. You should not speak to anyone else (e.g., witnesses) about the complaint, or get statements, as the people investigating will do this. The outcome of your complaint is likely to be affected if you do this yourself.

After this, the person or people who have been named in your report will be contacted to let them know that there has been a complaint about their behaviour. They will be given a verbal overview of your complaint and a more detailed written statement of allegations once these are available. We will also speak to them about any support they may need and if necessary, any changes we need to make to ensure that all our colleagues are safe and secure, and/or that the investigation can be carried out unimpeded (for example, if we need to suspend them from work, or move them to another location).

There will be separate formal meetings with the person/people named in your report and any witnesses. There may be further meetings with you if needed. All these meetings are confidential, and no one should discuss the content outside of the meeting.

Once the investigation is finished, the officer or panel will report their findings. They will meet separately with you and the person/people you made the complaint about to discuss the outcome. Some possible outcomes are:

- A referral to disciplinary procedure for the person/people you have made a complaint about.
- Informal management actions for the person/people you made a complaint about. Examples could be training, coaching or a change of duties.
- A referral to confidential resolution on a voluntary basis. This means you and the person you made a complaint about would have the opportunity to have a facilitated conversation (similar to mediation) where you both talk about what has happened with the aim of agreeing how you will work together in the future. This is voluntary as a successful outcome can only be reached if both parties want to resolve the issue.
- There is no case to answer, which means that there will be no further action taken.
- There may be wider actions that are recommended to senior management for implementation across the organisation, such as training for a team or a change of working practices.

The investigation and the outcome will remain confidential. It is important to us that

all parties involved have their privacy respected regardless of the outcome and only people who need to know the details (e.g., people involved in the investigation and any further actions taken) will have access. If you believe you are being treated less favorably because you have made a complaint, speak to your HR representative. This would be victimisation and is prohibited by our Dignity at Work and Study policy.

We will also continue to support you after the outcome of the investigation, discussing and agreeing any ongoing actions with you. This could mean that some of the changes we have made during the investigation, such as a change in work location, may stay in place for a longer period, or that we support additional counselling sessions for you until you can access longer-term provision through the NHS. We will also consider any additional requests you may have and support these where we are able to do so.

Who can I speak to in LSTM about Sexual Harassment or Misconduct?

- The HR representative for your department
- Your line manager
- Our Dignity and Respect Champions
 - Our Champions are colleagues who you can talk to confidentially about your situation. They can listen to you, talk through the options available to you and signpost to other sources of support and advice.
 - Champions do not investigate concerns, make decisions, give legal advice, or raise complaints/act as an advocate on your behalf.
- Our LGBTQ+ staff network

I am outside Liverpool and I want to make a report

- Our reporting procedure applies across LSTM, but we recognise that we may need to make adjustments to our approach to take account of your needs, as well as customs, practices, and regulations globally. We will do this on a case-by-case basis.
- As above, you can speak to your HR representative, your Dignity and Respect Champion or a manager in confidence.
- TELUS Heath is an independent, confidential support line which can be accessed globally.

Are there any organisations I can talk to outside of LSTM?

- If you have experienced sexual assault or rape, the NHS has [information on getting help](#). The sexual assault referral centre for anyone aged 16 and over in Merseyside is [SAFE Place](#) and they can be contacted on 0151 295 3550. SAFE Place is open 24 hours per day, every day.
- There are many external specialised support services for people who have been subjected to sexual harassment and related crimes, including:

- [Galop](#) (specific support for the LGBTQ+ community)
- [Imakaan](#) (provides links to specialist support by and for Black and Minoritised women)
- [Male Survivors Partnership](#) (specific support for men)
- [Rape Crisis](#)
- [RASA Merseyside](#)
- [SupportLine](#)
- [Survivors UK](#) (specific support for men and non-binary people)
- [Victim Support](#)
- [The Survivors Trust](#)
- As an LSTM colleague or student, you have access to [TELUS Health](#) support services at no cost to you.
 - TELUS Health are an external, confidential company who are completely independent and will not tell LSTM that you have contacted them or what you discussed.
 - Their helpline is open 24 hours per day, every day and if clinically appropriate they can arrange counselling for you.
 - You can also specify your preferred language and any characteristics (e.g., ethnicity or gender) that you would prefer the counsellor to have.
 - You can call 0800 169 1920 if you are in the UK and you would prefer to speak in English.
 - If you are outside the UK or would prefer to speak in another language call the appropriate number [here](#)
 - TELUS Health also have [web-based support information](#) on harassment and discrimination and [information for managers](#) on sexual harassment.