

 West Mercia POLICE		POLICY
Security Classification	OFFICIAL	
Disclosable under Freedom of Information Act 2000	Yes	

POLICY TITLE	Sexual Harassment
REFERENCE NUMBER	WMP211
Version	1.0

POLICY OWNERSHIP	
DIRECTORATE	CHIEF OFFICERS
BUSINESS AREA	PSD

INITIAL IMPLEMENTATION DATE	June 2023
NEXT REVIEW DATE:	June 2024
RISK RATING	HIGH
EQUALITY ANALYSIS	MEDIUM

West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy.
Please e-mail policiesandprocedures@westmercia.police.uk

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1.0 AIM

West Mercia Police is committed to providing an inclusive and welcoming working environment for all officers, staff and police support volunteers (PSVs), free of sexual harassment and victimisation and where everyone can feel supported, safe and reach their potential.

1.1 West Mercia Police has a zero-tolerance policy in relation to sexual harassment.

1.2 Sexual Harassment is unlawful under the Equality Act 2010.

1.3 The aim of this policy is to;

- Advise what constitutes sexual harassment.
- Make clear the professional behaviour expected of all officers, staff and PSVs, contractors, workers and prospective job applicants. (Policy would be public)
- Empower those to raise a complaint by setting out a clear process.
- To support those who are affected by sexual harassment.
- Make clear the responsibility on the force, and managers, to remove sexual harassment from the workplace.
- Make clear the expectation of all members to be an upstander, challenging sexual harassment if observed or otherwise believed to be happening in the workplace.
- To ensure individuals know the support available in West Mercia Police.

2.0 SCOPE

This policy applies to members of West Mercia Police, which includes police staff, student police officers, police officers, special constabulary and volunteers, workers and contractors

3.0 DEFINITIONS

- i. Sexual Harassment: - occurs when a person engages in unwanted conduct of a sexual nature that has the purpose or effect of:
 - Violating someone's dignity, whether intended or not.
 - Creating an intimidating, hostile, degrading, humiliating or offensive environment for them, whether intended or not.

Although anyone can experience sexual harassment, women are more likely to experience sexual harassment than men and perpetrators of sexual harassment are overwhelmingly men.

- ii. Victimisation - When you are treated poorly or unfairly because you have made a complaint related to a protected characteristic or you have helped someone else who has raised a complaint and are seen to be siding with them and are then treated badly. Section 26 of the [Equality Act 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2010/101/section/26)

4.0 RESPONSIBILITIES

4.1 We all have a responsibility to create and maintain a work environment free of harassment and victimisation and to treat our colleagues with dignity and respect.

4.2 Individuals are responsible for: -

- Being aware of how their behaviour may affect others.
- Treating colleagues with dignity and respect.
- Taking a stand if inappropriate jokes, comments or gestures are being made.
- Making it clear to others when their behaviour is unacceptable.
- Intervening to stop sexual harassment and discreditable conduct and giving support to anyone who may have been harassed.
- Reporting harassment to a manager or Professional Standards and co-operating as required in investigations.
- If a complaint of harassment is made, not prejudging or victimising the complainant or alleged harasser.

Please note that simply ignoring and/or walking away from such incidents or refusing to get involved is not acceptable and may even be seen as collusion by allowing it to continue within the policing culture.

4.3 Managers have a responsibility to:

- Implement the zero-tolerance policy on sexual harassment
- Set a good example by their own behaviour.
- Ensure that there is a proactive and supportive working environment.
- Make sure that staff know the standards of behaviour that is expected of them.
- Intervene to stop bullying or harassment.
- Report promptly to Professional Standards any complaint of harassment, or any incident of harassment witnessed by them, and ensure that appropriate steps are taken to deal effectively with this harassment.

4.4 The force has a responsibility to ensure that sexual harassment will not be tolerated in the workplace and that complaints will be taken seriously, will be dealt with quickly and will be treated as serious disciplinary issues and may be considered as gross misconduct.

5.0 GENERAL

5.1 Sexual harassment can happen regardless of the individual's or alleged perpetrator's gender identity or sexual orientation.

The force recognises, however, that women are significantly more likely to experience sexual harassment than men and that there is a gender equality issue in relation to sexual harassment. If sexualised behaviour and sexual objectification of women is perceived to be tolerated in the workplace, it is more likely that sexual harassment will occur.

The force also recognises that there is also an issue of intersecting protected characteristics in relation to sexual harassment, and that there may be additional concerns for black or minority ethnic officers and staff, LGBT+, disabled and younger workers where the harassment may be bound up with other forms of discrimination.

5.2 Sexual harassment in the workplace may occur from:

- Someone you work with.
- A manager, supervisor or someone else in a position of authority.
- A member of the public/visitor

5.3 Sexual harassment includes a wide range of behaviours including but not limited to

- Sexual comments or jokes.
- Displaying sexually graphic pictures, posters or photos.
- Suggestive looks, staring or leering.
- Propositions and sexual advances.
- Making promises in return for sexual favours.
- Sexual gestures.
- Uninvited discussion of one's sex life or inappropriate discussion of sex life.
- Sexual posts or contact on social media.
- Spreading sexual rumours about a person.
- Sending sexually explicit emails or text messages.
- Unwelcome touching, hugging, massaging or kissing.
- Predatory behaviour.
- Criminal behaviour, including sexual assault, stalking, grooming, indecent exposure and sending offensive communications.
- Coercion.

5.4 Sexual harassment is usually directed at an individual or minority group, but it's not always the case. It may be perpetrated by one individual, a pair, a small group, a large group, or to permeate through a whole section of the force.

5.5 Sometimes there can be a culture of sexual harassment in a workplace that's not specifically aimed at one person – such as sharing sexual images and leering at members of the public. Someone could still make a complaint of sexual harassment in this situation.

5.6. An individual can experience sexual harassment from someone of the same or different sex and the recipient of the behaviour decides whether the approach was unacceptable or undignified.

5.7 Sexual harassment can be a one-off event and does not need to be directed at a person. It can be witnessed or overheard. Sexual conduct that has been welcomed or tolerated in the past may, over time, become unwanted and if it continues becomes harassment.

5.8 Forces will be liable for sexual harassment committed by their officers, staff or PSVs during their employment/volunteering unless they can show that they took all

reasonable steps to prevent the harassment. 'In the course of employment' includes acts committed in any other place where work is conducted such as offsite, at a training course, conference or external meeting, as well as other circumstances in which the officer/staff member is not actually working but relate to work, such as at a leaving party or other social event.

6.0 TAKING ACTION

- 6.1 West Mercia Police wants to provide a professional working environment for its officers, staff and volunteers and has a 'duty of care' to do so.
- 6.2 West Mercia Police will ensure reasonable action is taken to prevent sexual harassment in the workplace and ensure there is support available for anyone who feels they have had their dignity violated or where an individual(s) has created an intimidating, hostile, degrading, humiliating or offensive environment, whether intended or not.
- 1.3 Reasonable action includes:
- Setting standards and a culture so all are made aware that such behaviour will not be tolerated.
 - Providing opportunities for teams to discuss sexual harassment and the importance of tackling unlawful and discriminatory practices.
 - Ensuring there is a clear reporting process in place.
 - Ensuring accusations are fully investigated and appropriate action taken.
 - Ensuring support is available to individuals affected by sexual harassment.

7.0 SETTING STANDARDS

- 7.1 Standards of professional behaviour are set by the Police Conduct Regulations 2020, the Police Staff Council Joint Circular 54 and the Code of Ethics.
- 7.2 The Code of Ethics is a first for everyone who works in policing in England and Wales. It sets out the principles and standards of behaviour we expect to see from police professionals. It applies to every individual who works in policing, whether a warranted officer, member of police staff, volunteer or someone contracted to work in a police force.
- 7.3 For the purpose of this policy the following standards are highlighted.
- You are expected to act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.
 - You should not abuse your powers or authority and respect the rights of all individuals.
 - You are to challenge and report improper conduct.
- 7.4 Everyone has the right to a working environment free of harassment, from others within the service and members of the public. West Mercia Police will proactively support such a working environment.
- 7.5 A breach of such standards could damage public confidence in the police service.

- 7.6 Any breach of any of the standards could potentially lead to disciplinary action, which in serious cases may result in dismissal without notice.

8.0 TRAINING

Training and information is crucial to the success of policies on sexual harassment and in changing the workplace environment.

Training programmes should include:

- Details on the policy, its implementation, and promotion.
- What misogyny, sexism and sexual harassment mean, their effects and consequences.
- What victimisation means.
- How to report incidents and unacceptable behaviour.
- How to address issues of third-party harassment if applicable.
- How to get support.
- The help available to those being harassed.

Records should be kept ensuring that everyone is trained and that they regularly receive refresher training. Officers and staff should also be encouraged to help each other, either by lending support or informing management of their concerns through the appropriate channels. The procedure should also make it clear that staff have a right to be accompanied by a staff association/trade union representative at all stages.

9.0 CLEAR REPORTING PROCESS

- 9.1 Individuals are encouraged to come forward if they believe they have been harassed. West Mercia Police has robust procedures in place designed to promptly take action.
- 9.2 Wherever possible, West Mercia Police will look to ensure the individual and alleged harasser are not required to work together whilst the complaint is under investigation.
- 9.3 Individuals who have been harassed should raise the issue to a line manager, Professional Standards or through Integrity Line.
- 9.4 If an individual becomes aware of sexual harassment between a colleague and another individual, they should raise the issue to a line manager, Professional Standards or through Integrity Line.
- 9.5 Sexual harassment can also give rise to situations where there is coercive or predatory behaviour. If intimate relationships arise between colleagues and any person has concerns about any predatory or coercive element to such relationship, they are encouraged to report the issue to a line manager, Professional Standards or through Integrity Line.
- 9.6 Investigations into complaints or allegations of sexual harassment may also lead to a criminal investigation being instigated. Where there are concerns that a criminal act has taken place, advice must be taken from Professional Standards. If a criminal act is suspected any action taken must avoid prejudicing the criminal investigation.

Appropriate action will be taken depending on the circumstances.

- 9.7 Any investigations into allegations of sexual harassment by police staff, police officers, special constabulary, volunteers or contractors will be conducted by Professional Standards.
- 9.8 Confidentiality will be maintained, subject to any requirement to involve external agencies where a criminal offence may have been committed or where maintaining confidentiality would pose a risk to the person making the report, or to others.

10.0 MISCONDUCT PROCESS

- 10.1 The alleged perpetrator if a member of West Mercia will be fairly investigated through the appropriate process.
- 10.2 All complaints of sexual harassment will be taken very seriously. West Mercia Police will handle any investigation in a way that's fair and sensitive to:
- The person who made the complaint
 - Someone who witnessed it
 - Someone who's been accused of sexual harassment
- 10.3 An individual who sexually harasses someone at work will be held responsible for their actions and if a member of West Mercia, faces an investigation into their conduct at work this could result in disciplinary action up to and including dismissal. In addition they could be held personally liable to pay compensation in legal claims.
- 10.4 In addition to, or in place of Misconduct Procedures, West Mercia Police can also utilise the Service Confidence Procedure. This procedure has been written to address the occasions where 'Relevant Information' comes to notice that questions the suitability of individuals to continue in their current post. Such material will ideally be the subject of conventional criminal, Police (Conduct) Regulations 2012, Misconduct Procedures (Police Staff) or unsatisfactory performance proceedings. However, there will be instances when the circumstances do not warrant or lend themselves to criminal, Police (Conduct) Regulations 2012, Misconduct Procedures (Police Staff) or unsatisfactory performance proceedings, yet are sufficient to raise concerns that require immediate management action.

It is applicable to all West Mercia Police Officers and Police Staff, members of the Special Constabulary. It is not applicable to police support volunteers as they have a separate Procedure.

11.0 SUPPORT AND ADVICE FOR INDIVIDUALS

- 11.1 There are many sources of support available. These include: -

Internal:

- **PAM Assist T: 0800 882 4102**
- **Welfare Officers**
- **Peer Supporters**

- Chaplaincy
- HR
- Unison
- Police Federation
- He for She – Supt Edd Williams

External

- **ACAS** [What sexual harassment is: Sexual harassment - Acas](#)
ACAS helpline
Telephone: 0300 123 1100
Textphone: 18001 0300 123 1100
Monday to Friday, 8am to 6pm
- **Citizen Advice Bureau** [If you're being harassed or bullied at work - Citizens Advice](#)
- **GOV.UK** for guidance: [Workplace bullying and harassment - GOV.UK \(www.gov.uk\)](#)
- **The Mix**, support for U25s [Sexual Harassment In The Workplace | Worker's Rights | The Mix](#)
- **Rights of Women** [Sexual harassment at work - Rights of Women Rights of Women](#)
- If struggling to cope & need someone to talk to:

[Samaritans](#)
[LGBT Foundation](#)
- **Victim Support** [West Mercia - Victim Support](#)
- **Equality and Human Rights Commission** – Sexual Harassment [Sexual harassment in the workplace | Equality and Human Rights Commission \(equalityhumanrights.com\)](#)
- **Equality and Advisory Support Service**: Freephone 0808 800 0082

12.0 FURTHER ADVICE

For further advice regarding this policy please contact Professional Standards.

13.0 RELATED POLICIES AND DOCUMENTS

This Policy should be read in conjunction with the following Force documents and policies:

- Whistle blowing
- Professional Standards (PSD) Reporting

14.0 CONSULTATION

<i>Business Lead/Chief Officer Consulted</i>	<i>Date Consulted</i>
Supt Mo Lansdale/ DCC Alex Murray	March 2023/May 2023

15.0 DOCUMENT HISTORY

The history and rationale for change to policy will be recorded using the below chart:

Date	Author / Reviewer	Amendment(s) & Rationale	Date of Approval / Adoption
Mar 2023	T/DCI Jamie Francis	New Policy	JNCC Exec Board 9 th May 2023

7.0 ASSESSMENT AND ANALYSIS

The Equality Analysis (EA), Health & Safety Assessment (HAS) and Risk Assessment (RA) associated with this document are available on request.

8.0 DATA PROTECTION IMPACT ASSESSMENT

- Is a DPIA required – **No**, as agreed by Audit, Risk & Compliance on 27/03/2023

9.0 MONITORING / EVALUATION

The Monitoring and review of this policy is the responsibility of the policy owner