

# Sexual Harassment Policy

Curve or Curve Theatre, Leicester are the trading names of Leicester Theatre Trust Limited (LTT) a registered charity, no: 230708

<b>Policy Owner</b>	People and HR Manager
<b>Audience / Who does policy apply to</b>	Staff or Workers to include employees, trustees, actors, musicians, creatives, freelancers, consultants, agency workers, volunteers, customers, work experience placements and CYCC performers
<b>Legislation and reference documents</b>	<p><u>Internal</u></p> <ul style="list-style-type: none"> <li>• Dignity at Work (Bullying and Harassment) Policy</li> <li>• Disciplinary Policy (Employees only)</li> <li>• Equality, Diversity and Inclusion Policy</li> <li>• Grievance Policy (Employees only)</li> <li>• Speak Up Policy</li> <li>• Whistleblowing Policy (Employees only)</li> </ul> <p><u>External</u></p> <ul style="list-style-type: none"> <li>• Worker Protection (Amendment of Equality Act) Act</li> <li>• Equality Act</li> </ul>
<b>Approved by and date</b>	Voices for Change - Equality, Diversity and Inclusion Group
<b>Review period</b>	Annually
<b>Date reviewed</b>	5 February 2025
<b>Next Review Date</b>	5 February 2026

## 1. Policy

**1.1** Curve is committed to providing a working environment free from sexual harassment and ensuring all Staff and those who are engaged at Curve are treated, and treat others, with dignity and respect. We recognise that sexual harassment can occur both in and outside the workplace, such as on business trips, or at work-related events or social functions, or on social media.

**1.2** Sexual harassment or victimisation of any member of staff, or anyone they come into contact with during the course of their work, is unlawful and will not be tolerated. The law requires employers to take reasonable steps to prevent sexual harassment of their staff during the course of their employment. We will take active steps to help prevent the sexual harassment and victimisation of all staff. Anyone who is a victim of, or witness to, sexual harassment is encouraged to report it in accordance with this policy. This will enable us to take appropriate



action and provide support. Sexual harassment can result in legal liability for both the business and the perpetrator, whether they work for us or are a third party outside of our control. Sexual harassment and victimisation may result in disciplinary action up to and including dismissal.

## **2. About this Policy**

- 2.1** The purpose of this policy is to set out a framework for line managers to deal with any sexual harassment that occurs by staff (which may include consultants, contractors and agency workers) and also by third parties such as customers, suppliers or visitors to our premises.
- 2.2** This policy builds on our Dignity at Work (Bullying and Harassment) Policy, and specifically covers sexual harassment which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions. It covers sexual harassment by “Staff” (which may include employee, casual worker, trustee, actor, musician, creative, freelancer, consultant, agency worker or volunteers) and also by third parties such as customers, suppliers or visitors to our premises.
- 2.3** Our separate ‘Speak Up’ Policy should give Staff the confidence to speak up on any concerns or observations they would like to raise without fear of repercussion. It also reinforces the need for staff to challenge inappropriate words or behaviours in relation to sexual harassment, including when this is aimed at a ‘third party’.
- 2.4** This policy does not form part of any contract of employment or contract to provide services, and we may amend it at any time.
- 2.5** Any breach of this policy will be taken seriously and may result in disciplinary action in relation to employees and other action in relation to non-employees. In some instances, serious breaches of this policy may be considered to be an act of gross misconduct which could result in the immediate termination of employment, or, as is the case, the immediate termination of any consultancy or engagement.
- 2.6** This policy covers all employees, officers, consultants, self-employed contractors, casual workers, actors, musicians, creatives, apprentices and agency workers. Our obligations and your duties under this policy also extend to job applicants during recruitment process and former employees. It covers all areas of the business.

## **3. Who is responsible for this policy?**

- 3.1** Our Board of Trustees (the board) and the EDI Group (Voices for Change) has overall responsibility for the effective operation of this policy but has delegated day-to-day responsibility for overseeing its implementation to CEO/People and HR Manager/Executive Team.

- 3.2 All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.
- 3.3 Staff should disclose any instances of sexual harassment of which they become aware to their line manager, a member of Executive Team or a member of the HR Team.
- 3.4 Questions about this policy and requests for training or information on dealing with harassment should be directed to the HR Team.
- 3.5 This policy is reviewed annually by the EDI Group (Voices for change). We will review its effectiveness and implement any changes that may be required.
- 3.6 The People and HR Manager has responsibility for ensuring that any person who may be involved with investigations or administrative tasks carried out under this policy receive regular and appropriate training to assist them with these duties.
- 3.7 Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting the People and HR Manager.

#### 4. **What is Sexual Harassment?**

##### Sexual Harassment

- 4.1 Sexual Harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to sexual harassment and conduct can amount to sexual harassment even if that is not what was intended.
- 4.2 It also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past.
- 4.3 Unwanted means essentially the same as "unwelcome" or "uninvited". Unwanted means "unwanted by the worker" and should be considered from the worker's subjective point of view. It is not necessary for a worker to say that they object to conduct for it to be unwanted.
- 4.4 Sexual harassment may include, for example:
  - (a) sexual comments or jokes
  - (b) displaying sexually graphic pictures, posters or photos
  - (c) the sending of imagery including pornographic material and including by imagery sent by email, text message, video clips, WhatsApp, images sent by mobile phone or posted on the internet

- (d) suggestive looks, staring or leering
- (e) propositions and sexual advances
- (f) making promises in return for sexual favours
- (g) sexual gestures
- (h) intrusive questions about a person's private or sex life or a person
- (i) discussing their own sex life
- (j) sexual posts or contact on social media
- (k) spreading sexual rumours about a person
- (l) sending sexually explicit emails or text messages, and
- (m) unwanted physical conduct or "horseplay", including touching, hugging, massaging, pinching, pushing, grabbing or kissing
- (n) continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome
- (o) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); or
- (p) offensive emails, text messages or social media content.

**4.5** A person may be sexually harassed even if they were not the intended "target". For example, a person may be harassed by sexualised jokes about a different individual if the jokes create an offensive environment.

Examples could include:

A worker alters a pornographic image by pasting an image of a colleague's face on to it and sends it to other colleagues, causing the person to be ridiculed.

A worker has a brief sexual encounter with a colleague and then states that they think it was a mistake and doesn't want the relationship to continue. The next day the supervisor grabs the worker's bottom, saying "come on, stop playing hard to get".

An individual can experience unwanted conduct from someone of the same or different sex.

A manager is to interview a worker who they line manage for promotion. The manager says that worker is the favourite for the job because they are the best-looking candidate.

**4.6** Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to sexual harassment on their own.

Victimisation

**4.7** Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:

- (a) Bringing proceedings under the Equality Act 2010.

- (b) Giving evidence or information in connection with proceedings under the Equality Act 2010.
- (c) Doing any other thing for the purposes of or in connection with the Equality Act 2010.
- (d) Alleging that a person has contravened the Equality Act 2010.

**4.8** Victimization may include, for example:

- (a) Denying someone an opportunity because it is suspected that they intend to make a complaint about sexual harassment.
- (b) Excluding someone because they have raised a grievance about sexual harassment.
- (c) Failing to promote someone because they accompanied another staff member to a grievance meeting.
- (d) Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.

Third Party Harassment

**4.9** Third-party harassment occurs where a person is harassed or sexually harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, unwelcome sexual advances from a client, customer or supplier visiting the employer's premises, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment.

**5. Consequences of Harassment and Victimization**

**5.1** Sexual harassment and victimization are unlawful and will not be tolerated. They may lead to disciplinary action up to and including dismissal if they are committed:

- (a) in a work situation;
- (b) during any situation related to work, such as a social event with colleagues;
- (c) against a colleague or other person connected to the employer outside of a work situation, including on social media; or
- (d) against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.

**5.2** Aggravating factors such as abuse of power over a more junior colleague will be taken into account in deciding what disciplinary action to take and in most cases, will be treated as gross misconduct justifying summary dismissal without notice or payment in lieu of notice

**5.3** If any sexual harassment or victimization of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include updating relevant policies, providing further staff training and taking disciplinary action against the perpetrator.

- 5.4** Third-party sexual harassment can result in legal liability and will not be tolerated. Although a member of staff cannot bring a claim for third-party harassment alone, it can still result in legal liability for an employer when raised in other types of claims. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.
- 5.5** Any sexual harassment by a member of staff against a third party may lead to disciplinary action up to and including dismissal.
- 5.6** We will take active steps to try to prevent third-party sexual harassment of staff.
- 5.7** If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include warning the harasser about their behaviour, banning them from our premises, reporting any criminal acts to the police, and sharing information with other branches of the business.

## **6. What to do if you witness Sexual Harassment or Victimization**

- 6.1** If you witness sexual harassment or victimisation, then you are encouraged to take appropriate steps to address it. This may include:
- Intervening where you feel that it is appropriate and you feel able to do so
  - Asking the person subjected to sexual harassment or victimisation if they would like a witness to report it or supporting them in reporting it
  - Reporting the incident where the witness feels that there may be a continuing risk if you do not do so
  - Co-operating in any investigation into the incident

- 6.2** Witnesses will be provided with appropriate support and will be protected from victimisation.

## **7. If you are being Sexually Harassed: Informal steps**

- 7.1** If you are being sexually harassed, consider whether you feel able to raise the problem informally with the person responsible. You are not under any pressure to do so, but may feel that you are able. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your line manager (or if your line manager is the one responsible for the harassment, their manager) or the HR Department, who can provide confidential advice and assistance in resolving the issue formally or informally.
- 7.2** If you are not certain whether an incident, or series of incidents, amounts to sexual harassment, you should initially contact your line manager (or if your line manager is the one responsible for the harassment, their manager) or the HR Department informally for confidential advice.

**7.3** If you raise the matter informally with your line manager (or if your line manager is the one responsible for the harassment, their manager) or the HR Department, they will listen to you and work out how best to resolve the issue informally and in a way which you are most comfortable with, having considered all of the options. This may include:

- Providing you with advice on how to approach the issue with the alleged harasser
- Supporting you in raising the issue with the alleged harasser by accompanying you in that discussion or helping you to set out your thoughts in writing
- Raise the matter informally with the harasser on your behalf
- Arrange mediation between you and the alleged harasser
- Help to obtain advice on how best to resolve the issue and/or assistance in doing so from other sources
- Help to obtain counselling or support for you

**7.4** If informal steps are not appropriate due to the nature of the incident or severity or in any other case where it is inappropriate, or if informal steps have been unsuccessful, you should follow the formal procedure set out below and/or refer to our Grievance Procedure.

## **8. Raising a formal complaint**

**8.1** If you wish to make a formal complaint about sexual harassment, you should submit it in writing to your line manager/company stage manager, senior manager or HR Department, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns one of the above, you should refer it to another senior manager or Trustee.

**8.2** Your written complaint should set out full details of the conduct in question, including the name of the harasser, the nature of the sexual harassment, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

**8.3** If you wish to make a formal complaint about victimisation, you should submit it in writing to your line manager/company stage manager, senior manager or HR Department, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns one of the above, you should refer it to another senior manager or Trustee.

**8.4** Your written complaint should set out full details of the conduct in question, including the name of the person or persons you believe have victimised you, the reason you believe you have been victimised, the nature of the victimisation, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

**8.5** As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the

circumstances, we consider it appropriate to do so. We may also need to take steps to ensure that the matter is resolved in any event, for example:

- Keeping a record of the complaint and your request to keep it confidential
- Encouraging you to address the issue informally
- Providing you with support and guidance
- Keeping the situation under review
- Where the situation doesn't improve, taking steps to address the issue

**8.6** If we decide that we must take formal action, then we will explain that to you and ensure that we put appropriate safeguards in place to prevent further harassment or victimisation, as well as support for you.

## **9. Formal investigations**

**9.1** We will investigate complaints in a timely, respectful and confidential manner. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Individuals not involved in the complaint or the investigation should not be told about it (save where you may need to take legal advice, as required by law or where there is a requirement to report the matter to a regulator). The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned. We reserve the right to engage an independent third party to assist at any stage of this procedure.

**9.2** We will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation. You will be given a provisional timetable for the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.

**9.3** Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. We will also consider what additional action may be appropriate to protect you and other staff pending the outcome of the investigation. The investigator will also meet with the alleged harasser to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

**9.4** Where your complaint is about someone other than an employee, such as a customer, supplier or visitor, we will consider what action may be appropriate to protect you and other staff pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.



- 9.5** We will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser.
- 9.6** It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.
- 9.7** At the end of the investigation, the investigator will submit a report to a Senior Manager or Trustee (depending on the circumstances) nominated to consider the complaint. They will arrange a meeting with you, usually within a week of receiving the report, in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. A copy of the report and the Senior Managers' or Trustees' findings will be given to you and to the alleged harasser.

## **10. Action following the Investigation**

- 10.1** If the Senior Manager or Trustee considers that there is a case to answer and the harasser is an employee, the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure. Our investigation into your complaint may be put on hold pending the outcome of the Disciplinary Procedure. Where the disciplinary outcome is that sexual harassment occurred, prompt action will be taken to address it. We will also consider what additional measures need to be taken to prevent future sexual harassment of staff. If the Senior Manager or Trustee considers that there is a case to answer and the harasser is a worker, trustee, actor, musician, creative, freelancer, consultant, agency worker or volunteer, the matter will be dealt with as case of misconduct or possible gross misconduct which may result in the immediate termination of any consultancy or engagement. If the harasser is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem and prevent a reoccurrence.
- 10.2** Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.
- 10.3** Any staff member who deliberately provides false information in bad faith, or who otherwise acts in bad faith as part of an investigation, may be subject to action under our Disciplinary Procedure. However, you will not be subjected to disciplinary action or to any other detriment simply because your complaint is not upheld.

## **11. APPEALS**

- 11.1** If you are not satisfied with the outcome you may appeal in writing to People and HR Manager, stating your full grounds of appeal, within 5 working days of the date on which the decision was sent or given to you.
- 11.2** We will hold an appeal meeting, normally within one week of receiving your written appeal. Where practicable, the appeal hearing will be conducted by a more senior manager or Trustee who has not previously been involved in the case (although they may ask anyone previously involved to be present). You the right to bring a colleague or trade union representative to the meeting.
- 11.3** We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

## **12. PROTECTION AND SUPPORT FOR THOSE INVOLVED**

- 12.1** Staff who make complaints, report that they have witness wrongdoing, or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.
- 12.2** If you believe you have suffered any such treatment you should inform your line manager or the HR team. If the matter is not remedied, you should raise it formally using our Complaints process or Grievance Procedure or this procedure if appropriate.
- 12.3** We will monitor the treatment and outcomes of any complaints of sexual harassment or victimisation we receive to ensure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, cultural clashes are identified and resolved and workforce training is targeted where needed.
- 12.4** We offer our permanent employees access to confidential counselling through our Health Cash plan, through Medicash. The details are available in confidence from a member of the HR team. Additional support can be found below in 12.5.
- 12.5** Support and guidance can also be obtained from the following external services:
- a) The Equality Advisory and Support Service ([www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)).
  - b) Protect ([www.protect-advice.org.uk](http://www.protect-advice.org.uk)).
  - c) Victim support ([www.victimsupport.org.uk](http://www.victimsupport.org.uk)).
  - d) Rape crisis ([www.rapecrisis.org.uk](http://www.rapecrisis.org.uk)).
  - e) Rights of women (England and Wales) ([www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)).



### **13 REPORTING OUTCOMES, CONFIDENTIALITY AND RECORD-KEEPING**

- 13.1** Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a “need to know” basis, save as required by law, to enable you to take appropriate legal advice or where there is a requirement to report the matter to a regulator). Breach of confidentiality may be considered to be an act of gross misconduct which could result in the immediate termination of employment, or, as is the case, the immediate termination of any consultancy or engagement.
- 13.2** When appropriate and possible, where a complaint is upheld, we will advise the complainant of the action that has been taken to address their specific complaint and any measures put in place to prevent a similar event happening again. We will need to balance our need to disclose the outcome to the complainant against our obligations under the General Data Protection Regulation.
- 13.3** Information about a complaint by or about a staff member may be placed on their personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.