



Sexual Harassment Policy and Procedures

Signed:

A handwritten signature in black ink, appearing to read "Dominic Deeson", with a long horizontal flourish extending to the right.

Dominic Deeson
Chair of Trustees
Faversham Foodbank

Registered Charity Number: 1158413

Page 1

Policy Control

Sexual Harrassment Policy and Procedures Policy Version 1

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INTRODUCTION

Faversham Foodbank recognises that it is the right of every employee and volunteer to be able to attend work and to perform their duties without being subjected to any form of sexual harassment. This also applies to the Foodbank's clients who must be able to attend the Foodbank in a safe and supportive environment.

Equally, it is the obligation and responsibility of every employee and volunteer to ensure that the workplace is free from sexual harassment.

Faversham Foodbank is fully committed to its obligations to eliminate sexual harassment in the workplace and in client relations.

PURPOSE

The purpose of this document is to outline Faversham Foodbank's position on sexual harassment and to document the process which is to be followed should any grievances arise.

DEFINITIONS

Sexual harassment means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Examples of sexual harassment include, but are not limited to,

- intrusive enquiries into an employee's private life;
- reference to their sexuality or physical appearance;
- unwanted body touching or physically molesting a person;
- standing too close;
- excessively lengthy handshakes;
- unwanted brushing against another's body;
- indecent exposure;
- obscene, suggestive or offensive communications, including electronic mail;

- pornographic or offensive posters, handouts or screensavers;
- sexual jokes or anecdotes;
- leering or staring;
- unwanted sexual compliments or excessive flirting
- sexual assault.

Behaviour that is based on mutual attraction, friendship and respect is not sexual harassment.

In addition to covering actions committed by another worker or a volunteer, the Worker Protection (Amendment of Equality Act 2010) legislation includes liability for harassment by third parties (such as clients or suppliers), or agents (such as consultants), acting on behalf of the employer.

POLICY

Faversham Foodbank will not tolerate sexual harassment under any circumstances. Responsibility lies with every Manager, Team Leader, Trustee and Volunteer to ensure that sexual harassment is not permitted, and is unacceptable.

This policy relates to the Worker Protection (Amendment of Equality Act 2010) specifically to sexual harassment. Faversham Foodbank considers that legislative obligations under the Act establishes minimum standards of behaviour for all those associated with our organisation.

The principles set out in this policy are intended to apply to any work-related context, including conferences, work functions, social events, and all locations that the Foodbank operates in, including deliveries.

No employee or volunteer at any level should subject any other employee, volunteer, client, or visitor to any form of sexual harassment, and equally, can expect full support to deal effectively with such behaviour if perpetrated by a third party (visitor, or client) towards staff or volunteers.

Faversham Foodbank strongly encourages any employee or volunteer who feels they have been sexually harassed to take immediate action, by making it clear that such behaviour is unwelcome and offensive; alternatively, or in addition, they may follow the procedures for reporting the behaviour.

Any reports of sexual harassment will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential up to the point where a formal or informal complaint is lodged against a particular person, at which point that person must be notified under the rules of natural justice.

Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.

The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal

allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

No employee or volunteer will be treated unfairly as a result of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment, or against any employee or volunteer who has been alleged to be a harasser.

Managers or Supervisors who fail to take appropriate corrective action when aware of harassment of a person will be subject to disciplinary action.

RESPONSIBILITIES

It is the responsibility of the Project Manager and Chair of Trustees to ensure that:

- They understand and are committed to the rights and entitlements of all employees and volunteers to attend work and perform their duties, without fear of being sexually harassed in any form;
- The above also applies to clients attending the Foodbank;
- They understand what constitutes an act of sexual harassment;
- All reasonable steps are made to eliminate sexual harassment;
- All employees and volunteers are regularly made aware of their obligations in relation to providing a workplace free from sexual harassment;
- They provide an environment which discourages harassment and victimisation and set an example by their own behaviour;
- They treat all complaints seriously and confidentially;
- They take immediate and appropriate corrective action if they become aware of any offensive action.

PROCEDURES

COMPLAINT PROCESS

Sexual harassment can occur at any level of the organisation, can be experienced by both men and women and may involve a co-worker, volunteer, supervisor, manager, service provider, or client. Lack of intent is no defence in sexual harassment cases.

Employees or volunteers who believe they are the subject of sexual harassment should take firm, positive and prompt action.

If such a course is deemed appropriate, the employee or volunteer should make the perceived harasser(s) aware that they find their behaviour offensive, unwelcome, unacceptable, and that it needs to stop immediately.

If the behaviour continues, or if the employee or volunteer feels unable to speak to the person(s) directly, they should contact the Project Manager or Chair of Trustees. Alternatively, an employee or volunteer may contact the Safeguarding Officer/Deputy, or another person they feel comfortable with.

The Manager/Chair of Trustees will provide support and ascertain the nature of the complaint and the wishes of the complainant.

The complainant does not have to request a full formal investigation if they will be satisfied by less formal treatment of the issue.

Informal Intervention

Informal intervention may be undertaken through a process of mediation or conciliation. During informal intervention the alleged harasser will be made aware of the allegations being made against them and given the right to respond.

This procedure will be complete when the complainant and the respondent come to an agreement on the procedure to be followed. There may be a record made of the complaint and kept on file.

Formal Complaints Procedure

Proceeding with a formal complaint requires the consent of the person complaining, particularly as witnesses or senior management may become involved.

The formal procedure will be co-ordinated by the Manager, who may also take advice from Trustees and/or Trussell.

The Manager should clarify the complaint and obtain a step-by-step account of the incident. More than one interview may be necessary.

The Manager will document all such interviews accurately and avoid irrelevant information. Relevant information will include parties involved, timing, location, and nature of conduct complained against.

Records are to be kept and filed in a confidential and secure place.

The Manager will organise an investigation, which in most cases may involve but is not limited to:

- A private interview to ascertain the facts and what the complainant expects to happen as a result of making the complaint;
- An interview with the alleged harasser(s) to ascertain their views.
- Interviews with other employees, volunteers or individuals who may be able to assist;
- Interviews with supervisor(s) or manager(s);
- Examination of any relevant documents;
- Determination of previous behaviours or issues.

The Manager should forward all evidence to the person conducting the investigation. Such evidence may include:

- Supporting evidence provided by a medical practitioner, counsellor, family member, friend or co-worker;
- Supervisor's reports and personnel records (eg unexplained request for transfer or shift changes, sudden increase in sick leave);
- Complaints or information provided by other employers or volunteers about the behaviour of the alleged harasser;
- Records kept by the person claiming to have been harassed;
- Information on whether the evidence was presented by the parties in a credible and consistent manner;
- Information on the absence of evidence where it should logically exist.

On completion of the investigation, the complainant and the Manager will determine a course of action to be taken.

In the case of Foodbank employees, possible courses of actions may include, but not be limited to, any combination of the following:

- Disciplinary action against the harasser (eg demotion, suspension, probation or dismissal);
- Official warnings will be noted in the respondent's personnel file;
- Disciplinary action against the person who complained if there is strong evidence that the complaint was vexatious or malicious;
- Formal apologies and undertaking that the behaviour will cease;
- Conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution.

In the instance of a volunteer found to have committed an act or acts of harassment:

- They may be warned that if their behaviour is repeated, they will no longer be able to volunteer at the Foodbank, or

- If the incident was sufficiently serious, they will be immediately dismissed from their role as a volunteer;

Outcomes will depend upon factors such as:

- The severity and frequency of the harassment;
- The weight of the evidence;
- The wishes of the person who was harassed;
- Whether the harasser could have been expected to know that such behaviour was a breach of policy;
- Whether there have been any prior incidents or warnings.

The Manager will advise all relevant parties of the outcome.

If the investigation determines that sexual harassment has occurred, the Manager must forward a summary of the complaint and the action taken to the Chair of Trustees. A copy may be placed in the respondent's personnel file.

If there is insufficient proof to decide whether or not the harassment occurred, the Manager will:

- Remind those involved of expected standards of conduct;
- Conduct further training and awareness raising sessions for staff and volunteers;
- Monitor the situation carefully.

The Manager will monitor the outcome to ensure that the offensive behaviour has ceased, and that neither party has been victimised. This may involve follow-up interviews.

If there has been any substantiated victimisation, disciplinary procedures will be followed.

Procedures for Dealing with Criminal Conduct

Some forms of severe sexual harassment (eg sexual assault, stalking, indecent exposure, physical molestation, obscene phone calls) may constitute criminal conduct.

While Faversham Foodbank is committed to treat most sexual harassment complaints at an organisational level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system.

In relation to alleged criminal offences such as rape or sexual assault, the employees/volunteers/clients should be advised of the option of police support or intervention. It is not the obligation or duty of Faversham Foodbank to

report such matters to the police on behalf of the complainant. However, appropriate information, support and advice will be offered throughout.