



Sexual Safety Policy

Aim

The Scottish Ambulance Service is committed to providing a safe, respectful, and inclusive working environment for all employees, workers, students, contractors and visitors. This policy outlines the definitions, procedures, and responsibilities associated with addressing sexual safety within the Service, ensuring all individuals feel safe and supported.

The Sexual Safety policy aims to provide:

- An understanding of how to recognise sexual harassment and how to report it
- Details of how we are actively preventing sexual harassment in our workplace
- Our approach to taking actions when sexual harassment is reported, including the other policies that might be relevant
- Advice and support for those affected or harmed by sexual harassment

In the workplace, sexual harassment can affect employees' professional relationships, psychological safety in the workplace and, potentially, their careers. It also indirectly affects their families, their colleagues and the wider health service. NHS Scotland acknowledges that sexual harassment contributes to gender inequality in the workplace, and as a large public sector employer, it has a responsibility to challenge and tackle this behaviour.

When acts of misogyny and sexual misconduct arise, it is important that as an organisation we take robust action and prevent reoccurrence to safeguard the psychological safety of those impacted. This policy commits the organisation and everyone working within it to take all concerns of sexual harassment seriously and to act on all concerns. We take a zero-tolerance approach and a trauma-informed approach to sexual harassment in the workplace as this is crucial to promoting a safe and supportive working environment and culture.

Scope

This policy applies to all employees, workers such as bank, agency, and sessional workers and students. References to employees should be taken to apply to workers unless otherwise stated. This policy also applies to volunteers. It covers sexual misconduct from other employees and employees of other organisations, where these impact the working environment. The behaviour can be by an individual, or a group, also known as mobbing. It can be face-to-face, verbal, written or via electronic methods, including cyber-harassment.

Definitions and examples

The Worker Protection (Amendment of Equality Act 2010) Act 2023 creates a duty on employers to take reasonable steps to stop sexual harassment from colleagues and third parties in the workplace. This includes protecting their employees and people employed by other organisations, such as suppliers, students or visitors, from sexual misconduct.

Sexual safety means being free from any unwanted sexual behaviour at work. Sexual misconduct: describes a range of behaviours including sexual assault, sexual harassment, stalking, voyeurism and any other conduct of a sexual nature that is non-consensual or has the purpose or reasonable effect of threatening, intimidating, undermining, humiliating or coercing a person. Sexual misconduct can occur between people of the same or different sex and genders.

Sexual harassment is unwanted conduct of a sexual nature, which has the effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Sexual harassment is, by definition, a form of harassment, which is detailed within the Once for Scotland bullying and harassment policy and associated supporting documents [Bullying and Harassment Policy Overview | NHS Scotland](#).

Examples of sexual harassment behaviours:

- sexual comments or noises, for example, catcalling or wolf-whistling
- sexual gestures
- leering, staring or suggestive looks
- sexual 'jokes', sexual innuendos or suggestive comments
- unwanted sexual advances or flirting
- sexual requests or asking for sexual favours
- sending unsolicited messages with sexual content
- intrusive questions about a person's private or sex life
- someone discussing their own sex life
- commenting on someone's body, appearance or what they're wearing
- spreading sexual rumours
- promises in return for sexual favours (e.g. signing off training records)
- threats or intimidation
- displaying images of a sexual nature
- unwanted physical contact, for example, brushing up against someone, hugging, kissing, or massaging
- stalking
- indecent exposure
- taking a photo or video under another person's clothing, what is known as 'up-skirting'
- sexual assault includes unwanted touching of breasts, buttocks, genitals or rape

Sexual harassment can take place at any time and any place; for example, at social or learning events in or out with normal working hours or while travelling for work. It can take place in-person or online (for example, through chat messages, phone calls, voice messages, or social media).

Any situation where there is a power dynamic can mean that people can take advantage of that power and use it in a way to harm others. Sexual behaviour that has been consensual in the past can become unwanted conduct.

Sexual harassment can happen to anyone, however people in some groups can be more vulnerable than others. For example, women, black, ethnic minority, disabled and LGBT+ people can be more at risk.

Roles and responsibilities

There is a range of standard expectations which underpin all policies. [Read more about standard roles and responsibilities](#). In addition, the following specific responsibilities apply to this policy:

The manager should:

- Create an environment where employees are clear that sexual harassment is unacceptable
- Respond constructively and supportively where an employee raises a concern or is accused of such behaviours. Ask the employee raising the concern what outcome they are seeking to achieve. Adopt a trauma informed approach to concerns
- Assess the seriousness of the concern and, in conjunction with the employee raising the concern and HR, determine whether the matter could be addressed under Early Resolution. There will be some situations where Early Resolution is not appropriate, following the Bullying and Harassment policy
- Assess the risks arising from the parties continuing to work together while the concern is being addressed and consider alterations to working arrangements that would support this
- Identify suitable alternative placement(s) and appropriate support mechanisms to prevent isolation where it is not possible to keep the parties together
- Consider referring those to any support mechanisms to maintain health and wellbeing during the process, in conjunction with the individual involved
- All concerns should be shared with a member of the HR team for advice and support as soon as possible.

All employees should:

- Contribute to a dignified working environment in which sexual misconduct is unacceptable and reflect upon and change personal behaviours that might be seen as such
- Take time to consider whether the behaviours they have experienced are those of sexual misconduct and if so, what outcome they would seek to achieve
- Seek advice and support from their line manager, sexual safety contact or union representative. Employees are encouraged to inform their manager of sexual misconduct issues at the earliest opportunity to take supportive action
- Respond constructively and openly where they are accused of sexual misconduct behaviours
- Where an employee is subject to, witnesses, or demonstrates problematic behaviours that they are unable to manage on their own, they should raise the issue with a manager
- Actively participate in the process to enable the process to be dealt with quickly
- Consider accessing any support mechanisms to maintain health and wellbeing during the process
- Anyone involved in a process is required to maintain confidentiality throughout.

Preventing Sexual Misconduct

Our organisation will:

- review the likelihood and risks of sexual misconduct occurring at work from colleagues, volunteers, students, workers and others including patients, service users and visitors
- take appropriate actions to reduce risks and prevent harm
- ensure the agreed positive actions are implemented and managed
- update policies and procedures to clarify the law, how everyone can expect to be treated and how to raise a concern
- review the effectiveness of policies and training
- communicate consistently about our values and expectations for behaviour and what actions may be taken when these are not met
- communicate with patients, service users and visitors about how we expect them to treat our staff and each other
- provide guidance and support to colleagues, helping them assist others if they witness sexual misconduct
- promote a culture where people feel safe to talk about and report sexual misconduct
- ensure systems are in place to respond to concerns and provide timely support to all employees impacted by sexual misconduct

Our organisation will use concerns raised about sexual misconduct to prevent events from happening again, and to understand potential patterns and areas of concern and what is required to mitigate risks, take appropriate action, and develop the culture within teams and across the organisation.

Support

Speaking up and challenging inappropriate behaviour at work is not easy. Individuals might have experienced the behaviour themselves or witnessed it happening to someone else. If individuals have been the victim of sexual harassment, they may be going through a lot of distress. This is a normal reaction to have, they are not to blame, and support is available.

It is good practice to retain any evidence of sexual misconduct individuals have experienced. This could include texts, emails, screen shots or notes. The more detail individuals involved have the better, especially if they raise a concern. It is recommended to make note of anyone who witnessed the sexual misconduct, or anyone consulted for advice or support. Consider storing this information so that it can be accessed when needed, but it means it does not have to be viewed all the time. Take time to assess what has happened and the different ways to respond.

Sexual Safety Contacts

To support staff impacted by sexual misconduct at work, we have created sexual safety contacts. These are staff members who provide confidential signposting to employees and workers who have been subjected to or have witnessed sexual misconduct or are looking for general advice on sexual safety matters. Their role is to provide a safe space to discuss individual concerns and to give appropriate information, support and signposting. Our sexual safety contacts can be found on @SAS within our sexual safety page.

Other forms of support and advice

For immediate support, contact:

- [National Wellbeing Hub](#) – Call 0800 111 4191
- [The Ambulance Staff Charity \(TASC\)](#) – Call 0333 038 6573
- NHS 24 – Call 111
- [Police Scotland](#) – Call 101, or in an emergency 999
- [CrimeStoppers UK](#) – Call 0800 555 111
- [Sexual Assault Response Coordination Service](#) (SARCS) - the NHS Scotland sexual assault self-referral phone service can help to arrange care in the days following a rape or sexual assault – Call 0800 148 88 88
- [Rape Crisis Scotland](#) – Call 08088 010302
- [The Samaritans](#) – Call 116123
- [Domestic abuse support](#) - mygov.scot

Making a Report

The procedure for sexual misconduct cases involving other employees is shown in the [flowchart](#).

If an individual experiences or witness sexual misconduct, try to record what happened and include dates, times and details of any witnesses. Talk to someone about what happened and seek advice on what to do next. This could be someone trusted at work, like a manager, colleague, union representative or a Sexual Safety contact.

If individuals have been sexually assaulted or are the victim of a serious crime, they should consider reporting it to [Police Scotland](#). Witnesses of sexual harassment are encouraged to support the victim to report it or can report it on their behalf. However, nobody can force the victim to report it, it's their choice. However, we might feel the need to tell the police in some circumstances. For example, if there's an ongoing risk to the individual's safety or the safety of others. If we are going to tell the police, we will talk with the individual about it first and let them know when we have reported it to the police.

It is important that sexual misconduct is reported so that actions can be taken to keep people safe and to prevent it from happening again. All concerns raised will be treated seriously. There isn't a time limit but raising a concern as soon as possible will allow actions to be taken more quickly.

The manager will assess any immediate risk using the [manager checklist](#) and arrange to meet with the employee. The purpose of this meeting will be to ask any relevant questions relating to the concern and discuss what support can be put in place for the individual. It may be appropriate to make temporary workplace adjustments, such as alternate shift patterns or work locations of the other party.

Next Steps

Initial supportive discussion

Employees raising a concern will be given time to talk about what happened with their line manager (or suitable alternative manager) and discuss and agree what will happen next. A suitable place to ensure employees feel safe to talk will be agreed with them and they can bring a colleague or a trade union representative for support.

The manager who receives the concern must acknowledge it in writing within 7 calendar days using the [acknowledgement letter template](#). An invite letter should be issued, followed by an [outcome letter](#) to the employee as a summary of the discussion within 7 calendar days of the meeting taking place.

Confidentiality

The information shared when using this policy will be kept confidential. Those involved in the process will be informed of their responsibilities to keep information confidential. This means that only people who 'need to know' will receive the information because they are, or will be, involved in the process. If there are safeguarding duties, information may need to be shared to keep other people safe.

Where the concern relates to criminal activity, such as sexual assault, the Police or other external agency may be informed, as detailed in the [criteria for referral to external agencies document](#).

Early resolution

Addressing sexual misconduct behaviours is challenging. Depending on the nature and severity of the concern, it may be appropriate to address the matter through Early Resolution. The best way to resolve the issue at the earliest opportunity is by ensuring the other party is aware of the impact of their behaviour. In line with the [NHSScotland Bullying and Harassment policy](#), the following approaches are recognised ways of achieving Early Resolution:

Speaking to the other party directly

The complainant may choose to approach the other party to tell them that they find their behaviour offensive, why this is the case, and to ask them to stop.

Writing to the other party

The complainant may choose to write to the other party to tell them that they find their behaviour offensive, why this is the case, and to ask them to stop.

Supported approach

If the complainant finds speaking to the other party too difficult but still wishes to seek Early Resolution, they can ask a manager to relay their concerns to the individual.

Supported conversation

If the individuals involved agree that Early Resolution is possible this can be supported through an informal discussion. Such meetings can be offered by a third party, for example, a manager or HR representative.

Formal Procedure

If Early Resolution is unsuccessful or the sexual misconduct is significant or persistent in nature, the employee or manager may initiate the formal procedure, following the [NHSScotland Bullying & Harassment Policy](#).

Those reporting the matter will receive regular updates throughout the formal process from an appropriate manager. The manager or the investigation team, or both will meet with the employee who raised the concern to feedback the findings of the investigation. This will be undertaken with a view to clarifying the reasons for their decisions but with all due regard for the confidentiality of the employee alleged to have demonstrated the bullying and/or harassing behaviours and any witnesses. [Find out more about information sharing](#).

Anonymous Concerns

There may be instances where individuals are concerned about being identified when reporting sexual harassment. Reporting anonymously can make it difficult to fully address the situation and act appropriately. For this reason, those reporting sexual misconduct are encouraged to come forward with their name and contact details and they may find it beneficial to speak to an appropriate person (e.g. line manager, union representative, sexual safety contact) to discuss their concerns about being identified.

If the employee decides to report anonymously, they should provide as much information as possible, including the dates and times of events and the impact of the behaviour. This will ensure the person reading the concern can understand what happened. The steps in the NHSScotland Bullying and Harassment Policy will be followed as closely as possible using the information provided.

Preventing Victimation

Victimation is negative treatment because of being involved with a discrimination or harassment complaint. It is unlawful under the Equality Act. Harassment or victimisation of anyone who has reported, or has helped someone else to report, sexual misconduct is unacceptable as is any attempt to persuade or force an employee to not raise their concerns. Everyone will be supported when reporting sexual misconduct, whether their complaint is upheld or not. If they believe they have been victimised, this will be taken seriously. Employees should report victimisation to a manager, a member of the HR team or their trade union representative.

Counterclaims

There may be occasions where the person makes a report against a staff member, and this is followed by a counter claim / complaint from the person who has had a complaint made against them. The manager will review the counter claim (e.g. relevance to the existing report, credibility, seriousness, relevant circumstances) and decide on the most appropriate action. Depending on the circumstances, the counter claim may not be taken forward. In these circumstances, this will be communicated to the person who raised the counter claim.

Outcomes

In line with the NHS Scotland workforce bullying and harassment policy, there are 3 potential outcomes following a formal investigation:

- Complaint is not upheld
- Complaint is upheld and justifies learning outcomes
- Complaint is upheld and justifies referral to a formal conduct hearing.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]