



CPSS Sexual Misconduct Policy

Trigger warning:

The contents of this policy framework may be upsetting for some colleagues to read.

If you would prefer to discuss this policy or need support, please contact a manager or the CPSS HR Lead.

Document owner: Julia Powell	Prepared by: Julia Powell	First published: 2 nd March 2026
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Why we have this policy

We have signed the [sexual safety in healthcare organisational charter](#). We are committed to a zero-tolerance approach to sexual misconduct in the workplace to create a workplace where everyone feels safe.

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 or visitors, from sexual misconduct.

Sexual misconduct is unwanted behaviour of a sexual nature. It can happen to anyone, but it often happens where there is a power imbalance. People in some groups can be more vulnerable than others. For example, women, black, ethnic minority, disabled and LGBTQ+ people can be more at risk. Some people will also find it more difficult to report sexual misconduct.

What this policy covers

This policy covers sexual misconduct connected to work or the workplace. Sexual misconduct can include many things, such as:

- sexual comments or jokes
- unwanted touching or kissing
- showing sexual pictures
- staring at someone in a sexual way
- asking personal questions about someone's sex life
- sexual assault or rape

Appendix 3 provides more examples.

Sexual misconduct can take place at any time and any place; for example, at social or learning events 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).

All employees, volunteers, consultants, students and contractors can use this policy to access information about:

- how to recognise and report sexual misconduct
- our approach to taking actions when sexual misconduct is reported, including the other policies that might be used
- the support available to people involved or harmed. More information is on page 11 and in appendix 4

How do we know this policy treats people fairly?

We review our policies regularly to see how we are doing. This includes listening to colleagues' views and reviewing information about how the policy works in practice.

Appendix 7 outlines how this policy will be monitored to ensure it treats everyone fairly.

Language used in this policy

A disclosure

If you experience or witness sexual misconduct you may choose to tell someone at work about your experience. This might be your manager, a colleague or anyone else you trust including a Freedom to Speak Up Guardian or a trade union representative.

It is important that the person who receives a disclosure uses the guidance in this policy on page 8 and in appendix 11.

If you make a disclosure to someone this does not mean that you have made or must make a report.

Report

A report is different to a disclosure. A report involves telling someone who is in a position of responsibility or authority in the organisation about sexual misconduct that has happened to you or that you have witnessed.

A report means you are requesting that the organisation makes decisions and takes actions to stop it from happening again.

Page 9 provides information about how to report sexual misconduct.

Review group

A review group is responsible for using the information provided by you in your report to agree what to do about sexual misconduct. Page 12 provides more information about a review group.

Advice and support

If you experience sexual misconduct, it is likely to be a distressing and isolating experience and you might not know what to do next.

Sexual misconduct can take place when there are no other witnesses. This does not change the response you should receive. You will be believed and supported.

If you can, write down what happened as soon as you can. Include dates and the order that events took place, and how they made you feel. This will help you to remember the details.

It's important you speak to someone you trust, to get support and to decide what to do. This is often called a 'disclosure'.

When speaking with others, it's important that you are given the time to clearly express:

- what you need, including support
- what you want to happen next
- what you expect them to do

For example, you might discuss:

- getting help or advice from a manager or someone else
- this policy to decide how to report what happened
- that you need more time before you decide what to do

You can also get advice and support from an external organisation (listed in appendix 4).

If you decide and are ready to make a report, page 9 provides information about how to do this. Every report will be taken seriously and there is no time limit – you can make a report at any time.

People who aren't employed by the organisation

If your report is about the behaviour of someone at work, but they are not employed by the organisation, you should make a report using this policy.

The review group will liaise with the employer of the individual and will agree on the actions to support you and to prevent it from happening again.

Patients and service users

If your report is about the behaviour of a service user, pharmacy contractor or a member of the public, you should speak to your manager or the person in charge as soon as possible after the event happens, if you can.

This will allow them to take actions as soon as possible using the whistleblowing policy; for example, this could include warning a service user or member of the public about their behaviour or reporting a criminal act to the police.

Incidents unrelated to work

If you have been affected by a sexual safety incident, including domestic violence, that is not connected with work, the reporting process in this policy is not likely to apply. However, the impact of the incident might affect you at work. If you need support, speak to your manager or a person you trust.

Appendix 4 provides information about support, including specialist organisations you can contact to get help.

Witnessing behaviour

We all see things happening around us every day that we do not agree with. These things might not be happening to us, but we can choose to do something about them. This is often called being an 'active bystander'.

We can show others that we feel a behaviour is unacceptable. This will also give a voice to groups and individuals who may not feel able to challenge what is happening.

There may not always be a need to say something, and it may not always be safe to do so, but there are other actions we can take. These might include:

- asking someone to stop and being clear that the behaviour is inappropriate or unacceptable
- interrupting, diverting or distracting to allow someone to move away
- letting someone know you do not agree with what they are saying
- giving a disapproving look or not laughing at inappropriate jokes or comments
- asking someone else to help (for example, another colleague or security)
- seeking emergency help (call 999 if necessary)
- writing down what happened as a reminder for later action

You should speak to the person the behaviour was aimed at as soon as you can to give your support and to let them know that what you witnessed was unacceptable. Make sure you have a quiet and safe place to have this conversation, and you have enough time to talk fully.

Appendix 4 provides information about the support available to those involved.

Talk to them about what happened. Ensure they understand the reasons for reporting and ask if they agree with reporting their experience.

If they do not agree and you are worried about them or others, you should not put their name in your report. Speak to a manager or the CPSS HR Lead to get advice.

Supporting a colleague

When someone talks to you about what they have seen or experienced, it is called a disclosure. You need to be supportive and sensitive. Appendix 11 provides advice about what to do when a colleague discloses their experience of sexual misconduct to you.

If you think urgent actions are required, it is important to be as open as possible with them about what urgent action you need to take and why.

If you believe that someone is in danger you should contact the police and report the incident to the CPSS HR Lead.

How to make a report

It is important that sexual misconduct is reported so actions can be taken to keep people safe and to prevent it from happening again.

There isn't a time limit, but making a report as soon as possible will allow actions to be taken more quickly.

If you are reporting something you have witnessed, you should read page 8 and talk to the person the behaviour was aimed at before you make the report.

You can make a report yourself or you can ask the person you have disclosed to (for example, a colleague) to do this for you.

Reports may be made to:

- your manager
- the CPSS HR Lead
- a Freedom to Speak Up Guardian (FTSU)

A trade union representative can support you to make a report.

Every report will be taken seriously.

Anonymous reports

If you give your name when you report sexual misconduct, the organisation will be able to complete a more in-depth investigation.

Providing your details can help the organisation to support you and signpost or refer you to further support.

All reports are taken seriously. If you do not feel you can provide your name, you can report anonymously.

Provide as much information as possible, including the times of events and the impact they are having on you and others. This will ensure the person reading your report can understand what happened.

The steps in this policy will be followed as closely as possible using the information you provide.

If remaining anonymous is the right option for you, you should report via the CPSS HR Lead.

Listening to you

If you provide your name when you make a report, you will be given time to talk about what happened and discuss and agree what will happen next.

A suitable place to ensure you feel safe to talk will be agreed with you. You can bring a friend or family member, a colleague, interpreter or a trade union representative to support you.

The person you speak to will ask you for information about what happened using the questions and advice in the implementation toolkit about how to respond to a disclosure or report

If you have any notes or evidence, it's a good idea to take them with you to the meeting. If you don't have evidence this won't mean your concern is not taken seriously. During the meeting, we will also:

- discuss and agree how to manage your report
- discuss your wellbeing and the support you need and agree how this will be provided. Appendix 4 provides information about support
- agree next steps and who you should contact if you have any questions

If you are not clear how you would like your report to be managed, you might find that taking time to think about it or talking to someone you trust about your options helps.

If you decide to stop your report, your wishes will be respected where possible. Page 16 provides information about when the organisation might be required to continue to take action.

If you change your mind, or the behaviour continues, you can use this policy later. There is no time limit.

Support

The person you give your report to will talk to you about the options for accessing help and support, including from the organisations listed in appendix 4.

If you are a member of a trade union, they can also provide advice and support.

Support for you to continue to work will be arranged where possible, based on advice from your organisation's occupational health team/service. Examples of support could include adjustments to your role, your working hours or location, or giving you time off to attend appointments to get help and support.

All support will be reviewed with you regularly to ensure it remains helpful and to identify any additional needs you may have.

If you can't attend work

If you don't feel able or well enough to attend work, you should let your manager or other person in a position of responsibility know. They will provide advice about the sickness absence policy. If it is reasonable, managers may agree to remove absence related to sexual misconduct from processes to manage levels of sickness absence.

After you make a report

Our organisation has a duty to ensure all employees involved with sexual misconduct cases are supported. This includes employees who have concerns raised about them.

The person you made your report to will request support from a review group to decide what to do. This will be arranged as soon as possible to ensure the report is managed quickly and in line with policies and procedures.

Review group

The review group will include:

- the person you made your report to
- the CPSS HR Lead

It might also include:

- an expert, who could include:
 - a colleague from safeguarding
 - the local authority designated officer
 - any other person who can provide advice that is needed

Appendix 5 provides more information about expert advice.

The review group will discuss the information provided, including the harm caused to you or others, and any other information available that is important to use alongside your report. For example, if there are aggravating factors, such as abuse of power over a more junior colleague.

The review group will review and make decisions about:

- actions that need to be taken quickly to prevent possible harm to you or others involved, using the template in appendix 8. For example, if the people involved work together, temporary changes to working arrangements may be needed
- assessments that might be needed to understand and mitigate against any further harm to you or others
- the immediate support you and others involved need
- which policies or procedure(s) are relevant to managing your report
- what communication is needed to protect you and others, and to notify the right people
- whether the police or other organisations need to be contacted
- who needs to be told about the actions that have been agreed
- how you and others involved will be updated about what will happen next

Read more about providing information and updates on page 15.

The review group will use the checklist in appendix 9 to ensure that the plans to manage the report are clear. They will also ensure a record is kept (anonymously if needed).

Outcomes

The review group will ensure your views are considered when making decisions about how to manage your report. One or more of these outcomes could be agreed:

- a request for more information from you or others about what happened
- using the disciplinary policy to manage your report
- using the resolution or bullying and harassment or grievance policy to manage your report (if it was raised as a grievance)
- a report to the police or GPhC if appropriate
- a report to the employer of the person named in the report, if they are not employed by our organisation
- no further action

Investigations

If an investigation is needed, it will be completed using the policy agreed by the review group.

You can ask for adjustments if you need them, and they will be agreed if possible. Examples of possible adjustments include:

- a friend or family member attending meetings with you to support you, in addition to a trade union representative or colleague
- using an external investigator or an investigator with specific training, skills and experience
- using an expert(s) to support the investigation

Preventing victimisation

Victimisation 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 you believe you have been victimised, this will be taken seriously. You should report victimisation to a manager, the CPSS HR Lead, a Freedom to Speak Up Guardian or your trade union representative.

Providing information and updates

You will be given the name of the person you can go to with your questions and to get advice and support. You can also raise any concerns or discuss any further needs you have with them and they will keep you updated. This will usually be the person you report your concern to or the CPSS HR Lead.

Due to confidentiality, not everything that happens can be shared with you, but you will receive regular updates.

The information that can be shared with you will be shared with you. You will not normally be told about personal or confidential outcomes or actions relating to another employee.

Confidentiality

The information you share when using this policy will be kept confidential where possible. Everyone 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. You will be told who will receive the information, and why.

If there are safeguarding duties information may need to be shared to keep other people safe.

If you need advice or are concerned that confidentiality has not been kept you should speak to your manager, a Freedom to Speak up Guardian, the CPSS HR Lead or a trade union representative.

Confidentiality or non-disclosure agreements will not be used to stop reporting of sexual harassment or whistleblowing.

Telling your manager

You will be asked how you feel about telling your manager.

If you haven't told your manager, it may be helpful to so they can support you and others involved. If the concern is about your manager, another person will be asked to support you.

When will the person the report is about be told it has been reported?

The person the report is about will often be told about some, or all, of the report to ensure they can take part in the investigation process.

This will always be done in a careful and planned way and will not happen without your knowledge.

Before the person is told, conversations will take place to agree how to support your wellbeing and safety and that of others.

Involving the police and other organisations

Sexual misconduct can be a criminal act. Normally, it will be your choice whether to report what happened to the police.

If your report includes information that suggests other people are at risk, including members of the public or colleagues, the review group will get advice from the local safeguarding team.

They may need to share information with the police, the local authority designated officer (LADO) and / or the relevant local authority safeguarding team.

This might happen even if you do not wish to use this policy.

Where possible, you will be told before actions are taken and support will be provided to you throughout the process.

Police investigations

If a report has been made to the police, their investigation cannot be impacted by our organisation's own investigation process.

This may mean there are delays in our organisation completing an investigation process. You will be told as soon as possible if the police ask for the process to stop or be put on hold. You will be told how long this might be for and we can discuss the support you and others involved will need during this time.

Statutory regulators

Sometimes, there may be a requirement to report an employee holding a professional registration to their statutory regulator (for example, General Pharmaceutical Council) in line with their relevant professional code of conduct.

The CPSS HR Lead will be responsible for reporting to professional bodies.

They may take advice from a range of individuals including the most senior person from the relevant profession within the organisation (for example, the chief nurse) before making a formal referral.

Preventing sexual misconduct

Our organisation will:

- review the likelihood and risks of sexual misconduct occurring at work from colleagues, volunteers, learners and others including patients, service users and visitors
- decide the actions that can be taken to reduce risks and prevent harm
- ensure the agreed actions are implemented and managed
- update policies and procedures to clarify the law, how everyone can expect to be treated and how to make a report
- 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
- create a culture where people feel safe to talk about and report sexual misconduct
- ensure systems are in place to respond to reports and provide timely support to all employees impacted by sexual misconduct

Our organisation will use reports 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 action, and improve the culture within teams and across the wider organisation.

Training

It is important that everyone understands:

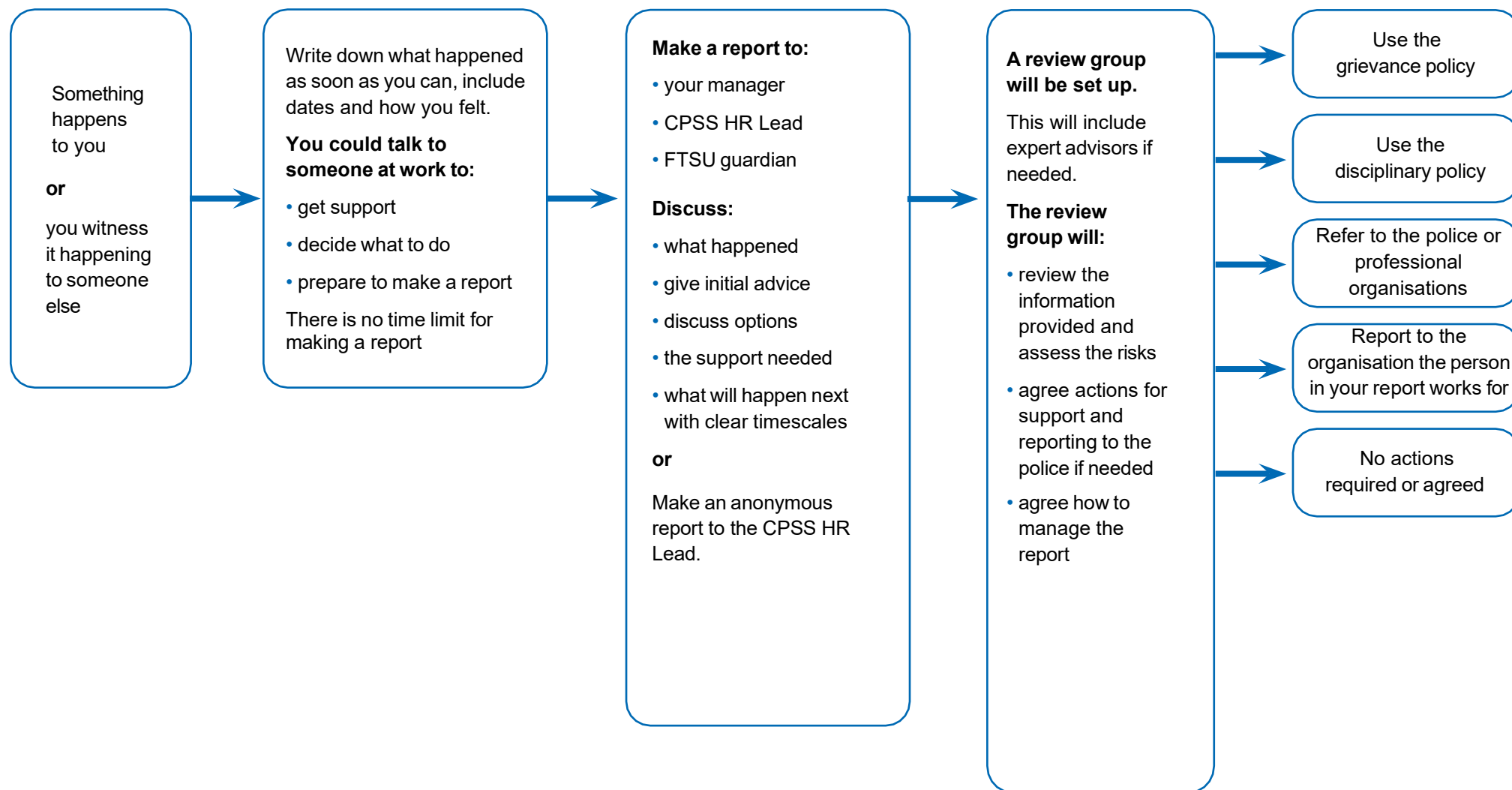
- what appropriate and inappropriate behaviours are
- how to use this policy
- what to do if they experience or witness inappropriate behaviours

Managers and the CPSS HR Lead will receive training on this policy so they can offer support, advice and guidance to colleagues.

Feedback and experiences from those involved in using this policy will be used to create future training and ensure continuous reflection and learning across the organisation. All staff members will complete an online e-learning module as part of their induction programme.

Appendix 1: Flowchart

This flowchart summarises the steps set out in this policy for reporting and determining how to handle cases of sexual misconduct.



Appendix 2: Responsibilities

The CPSS Executive Team will:

- prioritise principles set out in the Sexual Safety Charter, and ensure they are followed by the organisation
- guide the organisational culture and set priorities relating to sexual safety
- take actions to ensure the organisation meets its legal duties to protect employees from sexual harm in the workplace. This will include actions to improve the environment and culture, and understanding and awareness among staff of sexual safety
- encourage, support and train managers and leaders to support the use of this policy, and to build a positive culture in their teams where people can talk openly
- regularly review data about sexual misconduct and use it to agree actions to prevent sexual misconduct and protect employees from it
- appoint an executive group member with responsibility for improving the sexual safety of employees
- appoint a lead for domestic abuse and sexual violence

Senior leaders will:

- create an environment that encourages and supports colleagues to discuss and report sexual harm, without fear of retaliation or victimisation
- provide leadership to support a positive and safe culture
- ensure all colleagues are aware of issues relating to sexual misconduct, the sexual misconduct policy and how to deal with disclosures appropriately

Everyone should:

- use this policy and get advice and support to report behaviour they have experienced or witnessed
- be respectful and maintain confidentiality when using this policy
- be clear that we do not accept any form of sexual behaviour described in appendix 3 at work or linked to work

The CPSS HR Lead will:

- promote and provide support and guidance about using this policy and other people policies
- ensure that every report is managed compassionately and support is provided to everyone involved
- use specialist advice where needed and work closely with safeguarding teams, the police and other organisations where required
- provide advice and guidance to support learning and change where it is required
- ensure accurate records are made of concerns and manage information confidentially and in line with the policy for managing records

Managers will:

- take every conversation and report about sexual misconduct seriously
- use this policy to support everyone who is involved in a concern or report about sexual misconduct
- speak to the CPSS HR Lead about all reports and concerns about sexual misconduct
- maintain confidentiality, unless there is a safeguarding concern that needs to be reported
- be clear about what is acceptable and unacceptable behaviour
- role model behaviours to create a culture where people feel safe to raise concerns and feel listened to
- attend training and development to ensure they have the required skills, knowledge and confidence to recognise sexual misconduct and take action
- ensure learning and change comes from using this policy, so that future misconduct is prevented and a positive culture is fostered
- be available to support an investigation if needed
- be proactive in putting in place any reasonable adjustments or safety actions if they are required

Freedom to Speak Up Guardians will:

- provide appropriate support and signpost to further support to those who speak up about sexual misconduct
- assist employees to make a report where appropriate

Appendix 3: Language and definitions

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 behaviour of a sexual nature which has:

- violated someone's dignity, whether that was intended or not
- created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether that was intended or not

Sexual harassment can be a one-off incident or an ongoing pattern of behaviour. It can happen in person or in other ways, for example online through email, social media or messaging tools.

Sexual violence: describes any sexual activity or act that happened without consent.

Sexual assault: is any sexual act that a person did not consent to or is forced into, against their will.

Examples

The following are examples that might be reported using this policy. They could take place at work, or in the course of your work, during online meetings or online chats, at a work event or a party:

- sexual comments or jokes, including what might be called 'banter'
- the sharing of sexual material online (for example, sharing sexual memes or, videos by email or platforms like WhatsApp)
- sexually inappropriate behaviour on social media where colleagues are involved
- displaying or sharing sexually graphic pictures, posters or photos (or other sexual content)
- suggestive looks, staring or leering
- using power, seniority to influence others for sexual favours
- intrusive questions about a person's private or sex life, or discussing your own sex life
- flirting, gesturing or making sexual remarks about someone's body, clothing or appearance
- making sexual comments or jokes about someone's sexual orientation or gender reassignment
- touching someone against their will
- sexual assault or rape

Appendix 4: Expert advice

An expert may be asked to support the review group and an investigation.

All reports will be different, so a range of expertise and experience could be needed. That knowledge and expertise may include:

Knowledge

- trauma informed interviewing and investigation techniques
- research led case reporting
- risk management
- understanding of issues impacting particularly vulnerable groups
- safeguarding

Skills

- ability to identify types of sexual misconduct
- ability to understand impacts on vulnerable groups
- ability to undertake extensive personal interviews to elicit better information and to reduce the potential for retraumatising
- ability to overcome barriers to disclosure while supporting employee wellbeing

Experience of

- undertaking or advising on trauma informed, employment led investigations
- supporting individuals or teams on a trauma-informed basis
- equality, diversity or inclusion implications within sexual misconduct reports and investigations, and understanding of the vulnerabilities of particular groups
- using subject matter expertise to aid investigations and improve decision making
- managing disclosures of sexual abuse and misconduct

Appendix 5: Links to more help and guidance

NHS England

[Sexual safety in healthcare charter](#)

[Sexual safety charter assurance framework](#)

[E-learning on understanding sexual misconduct in the workplace](#)

[Guidance on the role of domestic abuse and sexual violence allies](#) (on FutureNHS, registration required)

Equality and Human Rights Commission (EHRC) guidance

[Preventing sexual harassment at work: a guide for employers](#)

[Employer 8-step guide: Preventing sexual harassment at work](#)

Guidance on managing sexual misconduct

[Advice about sexual harassment at work \(ACAS\)](#)

[Managing discrimination from patients and their guardians and relatives \(BMA\)](#)

