Sexual Harassment and Misconduct Policy

Implementation Date:	01/08/2026
Agreed By:	Martin Young
Next Review Date:	**01/08/2027**

Sexual harassment or misconduct Policy

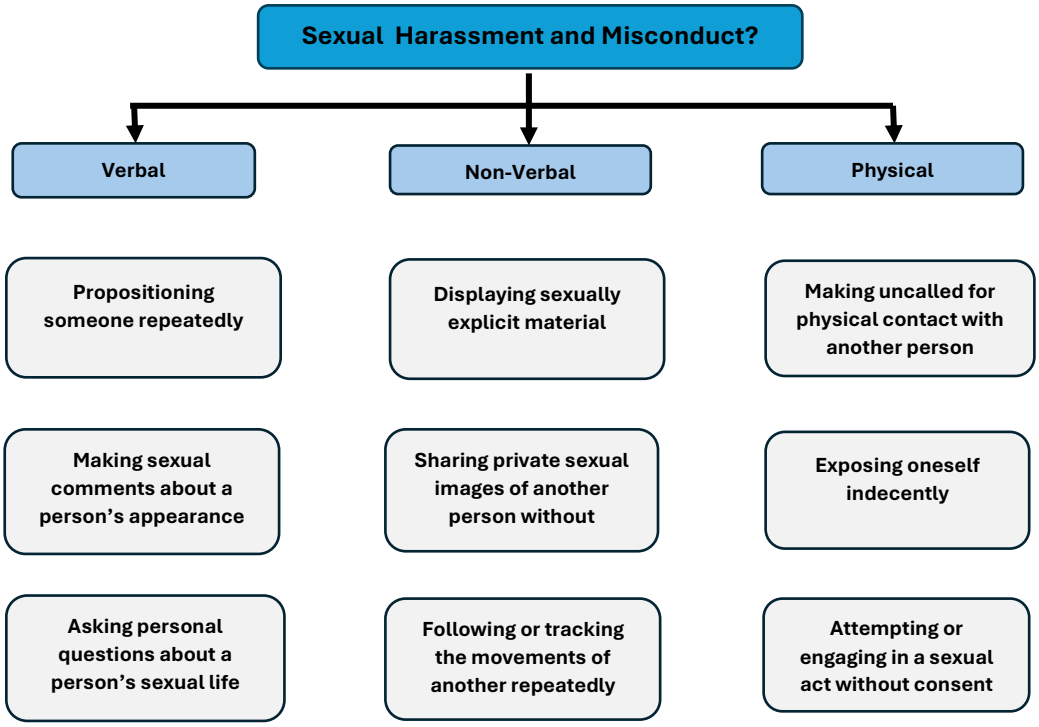
Forward

This Sexual Harassment and Misconduct Policy reflects the ethos of (insert club name). This includes the Club but also associated Foundations and all Affiliated Teams.

The Club is committed to working in partnership with The Football Association, the National League and relevant statutory and regulatory agencies to ensure that staff, volunteers and those using the Clubs facilities are protected. Where information or complaints are brought to the attention of the Club they will be dealt with the utmost importance and information shared with partners to ensure matters of sexual harassment or misconduct are investigated.

Richard Tapp
Board Safeguarding Champion

What is Sexual Harassment and Misconduct?



Consent

Under the Sexual Offences Act 2003, a person is regarded as consenting to sexual activity if: (i) they agreed to by choice; and (ii) have the freedom and capacity to make that choice.

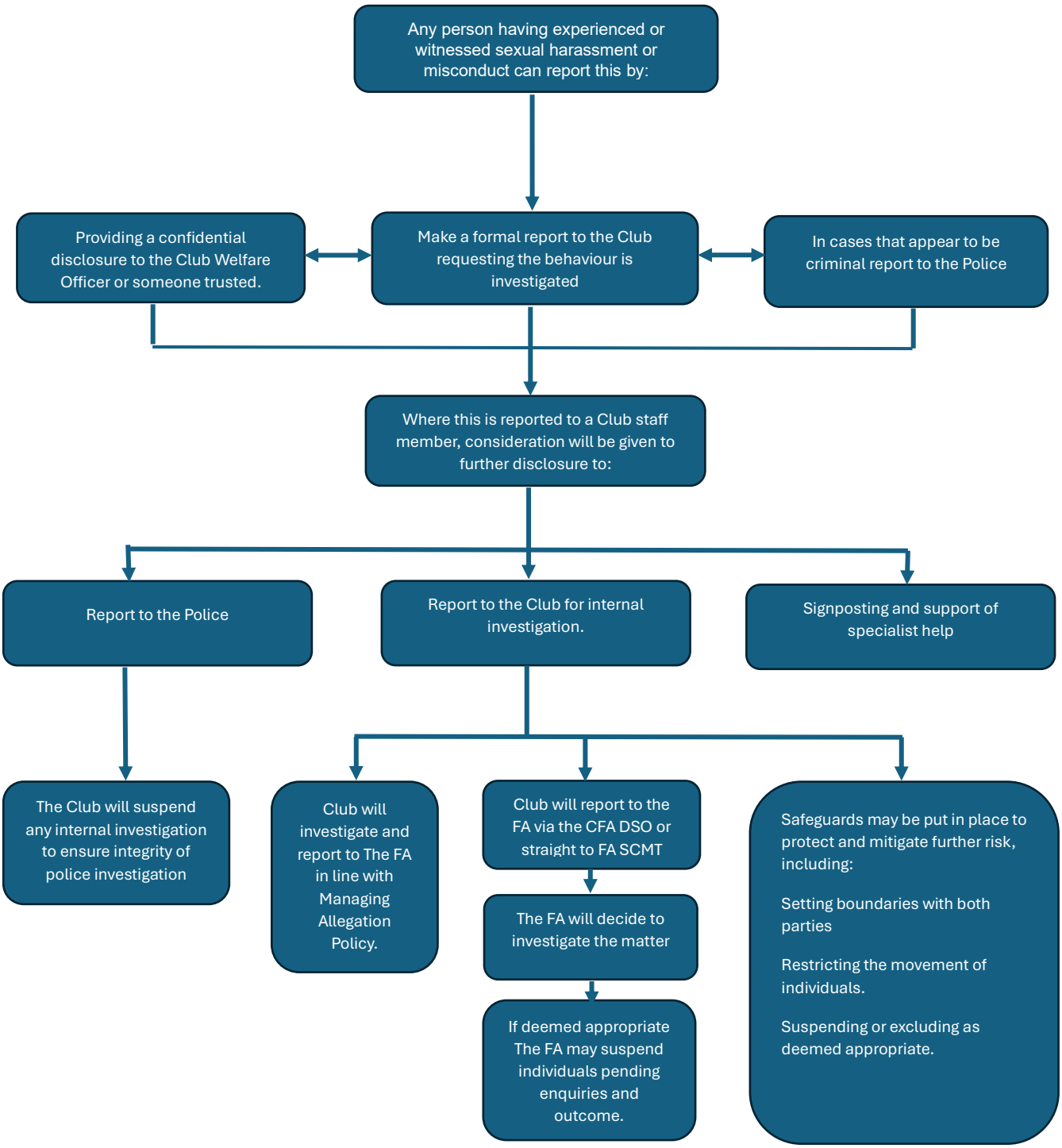
Consent must be present every time a person engages in sexual activity with another person.

Capacity

Capacity A person's capacity is dependent on whether they are physically and/or mentally able to make a choice and to understand the consequences of that choice.

A person does not have capacity to give consent if they for example: (i) are drunk or under the influence of drugs; (ii) are asleep or unconscious; and (iii) have a disability or an impairment.

Disclosing and repo



Introduction

This policy applies to acts of sexual harassment or misconduct by and against any Staff, Volunteer, Player or Supporter on the Club's premises or elsewhere in connection with Club activities or events.

Under this Policy, a person may report and make a complaint about sexual harassment or misconduct where the Responding Party is a member of staff or volunteer including players, regardless of whether they were at the Club at the time when the alleged sexual harassment or misconduct took place, and whether or not they are employed by the Club at the point when the complaint is made.

The Club acknowledges that sexual harassment or misconduct can happen to anyone regardless of sex, gender, gender reassignment, age, ethnicity, socio-economic status, sexuality, or background and that this may have an adverse impact on their working lives and can be carried out by anyone. Sexual harassment or misconduct can be both a cause and a consequence of inequality and power differences. Abuse of power will be a relevant consideration in deciding the seriousness of misconduct. Sexual harassment or misconduct is unacceptable in all circumstances and may, in some cases, constitute a criminal offence.

The Club recognises its moral, legal and regulatory responsibility to safeguard and promote the welfare of all Employees, Staff, Volunteers and Supporters. Upon that basis, the Club's approach is underpinned by legislation, statutory and regulatory guidance, compliance with Football Authority Regulations (as defined below) and current best practice.

In light of these commitments, the objectives of this Policy are to:

a) ensure that all Clubs Staff and Volunteers are aware of their responsibilities in relation to sexual harassment or misconduct;

b) provide a fair, transparent and consistent approach for reporting, investigating and responding to allegations of sexual harassment or misconduct; and

c) ensure that information about sources of support is made available to anyone who experiences sexual harassment or misconduct or who is accused of sexual harassment or misconduct.

What is Sexual misconduct?

Sexual harassment or misconduct describes a range of behaviours, including:

- sexual assault,
- sexual harassment,
- stalking,
- voyeurism,
- Rape, and
- any other conduct of a sexual nature that is non-consensual or has the purpose or effect of threatening, intimidating, undermining, humiliating or coercing a person.

Any of these behaviours will be treated as a potential breach under this Policy. This Policy is intended to encompass behaviours that may or may not also be defined as sexual harassment or sexual offences in the context of civil or criminal courts. However, using the language of sexual harassment or misconduct makes it clear that this Policy is separate from and additional to any legal process.

The following is a non-exhaustive list of behaviours that may constitute sexual harassment or misconduct:

Verbal	Non-Verbal	Physical
• Questions about sexual life. • Offering unwanted information about own sexual life. • Remarks of a sexual nature. • Any communications of a sexual or obscene nature. • Propositioning someone repeatedly. • Asserting pressure for sexual activity, for example using threats of reprisals or incentives.	• Treating someone less favourably because they have rejected/submitted to unwanted sexual conduct. • Sharing material of a sexual nature in any format. • Sharing private sexual images or messages of another person without consent.	• Inappropriate gifts. • Inappropriate advances. • Stalking. • Inappropriate physical contact, including deliberate brushing past. • Unwelcome and inappropriate touching, including hugging, kissing, groping, grabbing etc. • Indecent exposure and acts of voyeurism or exhibitionism. • Attempts to engage, or actual engagement, in activities of a sexual nature without consent.

Consent
Under this Policy, a person is regarded as consenting to sexual activity if:
• they agree to it by choice; and
• have the freedom and capacity to make that choice.

Consent must be present every time a person **("Person A")** engages in sexual activity with another person **("Person B").** Person A must stop if they are not absolutely sure that they have Person B's consent. Any prior consensual sexual activity or relationship between Person A and Person B does not, in and of itself, constitute Person B's consent to further sexual activity with Person A. Person B may withdraw consent at any time (including during a sexual act) and consent can never be implied, assumed or coerced.

Capacity
A person's capacity is dependent on whether they are physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have the capacity to give consent if they:
• are drunk or under the influence of drugs, for example they may still be physically able to have sex but they may not be able to consent;
• are asleep or unconscious;
• are below the age of consent in respect of the other person – i.e. below 16, or below 18 years in respect of a worker in a Position of Trust.

In some circumstances, a person may not have capacity if they have a disability or impairment, including learning difficulty, physical disability or mental health condition.

Disclosing or Reporting Sexual harassment or misconduct
If Staff member , Volunteer, Player or Supporter at the Club has experienced any kind of sexual harassment or misconduct, they can disclose or report this to the Club as follows:
• provide an open but confidential Disclosure to the Line Manager, Club Welfare Officer, or anyone they view as trusted without being required to make a formal Report; or
• make a formal Report under this Policy, through which they can request that the behaviour of another member of staff / volunteer, or visitor to the Club's Premises is investigated.

When a Disclosure is made, the person who the Disclosure has been made to should:
• accompany the Reporting Party to a quiet place where they can talk through the incident without interruptions. This should be a safe space in an environment which the Reporting Party feels comfortable in. When dealing with a situation, ideally with consent of the person reporting two members of Staff should be present, one to talk to the Reporting Party and one to take notes. If available, one of the members of Staff be a member of the Club Welfare Team;
• obtain the Reporting Party's full name, date of birth and contact details (address, phone, email);
• if the Reporting Party is a child, (aged under 18), contact the child's parents/carers, provided that this will not put the child at further risk, and notify the child's local authority (LADO) and notifying police (this will be undertaken by the Club Welfare Officer / Safeguarding Officer;
• take an account of the incident, details of the Responding Party and any other useful information; and
• at the earliest opportunity, call the Club Welfare Officer / Safeguarding Officer.

It is important to note that this can be a distressing process and therefore this initial response should be handled sensitively, with the utmost respect and confidentially, so as to protect both the Reporting Party and the Responding Party.

Following a Disclosure or Report, the Reporting Party will be given their reporting options along with information on resources for specialist support. The Club recognises that the Reporting Party may require time and reflection before making a decision. The Reporting Party will be given the option and support to do one or more of the following:
• report to the police;
• report to the Club under this Policy;
• receive advice on the support that is available (see page 11).

If the Club is aware that the Disclosure or Report may amount to a crime having taken place, the Club will consider whether it is appropriate to report the matter to the police. If the Reporting Party refuses to provide police with a statement, which is their right, this will likely result in no further police action.

The County FA DSO will be notified and consideration will be made to inform The FA Safeguarding Case Management Team.

In Steps 1 & 2, the National League DSO is available to offer guidance and support.

Initial Review
Where the Club becomes aware of an allegation of sexual harassment or misconduct against a member of Staff, Volunteer or Player an initial review of the case shall take place and the case will be securely logged. An investigation will then be undertaken to gather the initial facts and the County FA DSO will be informed and consideration made to escalate to The FA Safeguarding Case Management Team.

Where the Reporting Party are staff, a volunteer or player at the Club, they will be offered the support of the Club Welfare Officer / Safeguarding Officer.

As part of the initial review, there will be, at the earliest opportunity, a meeting with the Reporting Party. In this meeting, the Reporting Party will be offered support, and an assessment will be carried out to identify any protective action required.

If it is identified that protective action is required, any relevant safeguards will be implemented as soon as possible. Actions may include, amongst others:

• setting boundaries with both parties;
• restricting the movement of Players or Staff within the Club's premises;
• suspending or excluding the individual temporarily; or
• supporting the Reporting Party to report the alleged sexual harassment or misconduct to the Police.

The Reporting Party should be advised that the Club does not have the legal investigatory powers of the police and cannot make a determination of criminal guilt in respect of the Responding Party. The Club is bound to operate and make decisions under the lower thresholds of reasonable grounds of belief and the balance of probabilities. This includes decisions in respect of potential disciplinary action against the Responding Party, the suitability to work in

given roles of the Responding Party, and transferable risk that identified behaviours of the Responding Party may indicate. An internal investigation will be focused on whether a breach of the Club's policies and codes of conduct has occurred by the Responding Party from an HR perspective, and if the Responding Party works in regulated activity, or in a specified establishment such as the Training Centre.

Report to the Football Authorities
The Club will report any sexual harassment or misconduct allegation as required in line with the relevant Football Authorities Regulations and the relevant thresholds. The Football Association may decide to investigate the matter independently and have powers to suspend individuals from football. In addition we may disclose matter to the relevant League and County FA Safeguarding officers.

Report to the Police
Where the incident is reported to the police and results in a criminal investigation or court proceedings, the Club will ordinarily suspend any ongoing internal HR investigation, and the safeguarding processes will take place under the guidance of investigating police and the local authority LADO. However, it may be appropriate for the Club to continue its internal investigation and processes (and conclude these) whilst the criminal investigation and judicial proceedings are still ongoing.

The Club's Welfare Officer / Safeguarding Officer will work alongside The FA and statutory agencies to ensure that appropriate information is shared from the criminal investigation to inform its internal decision-making on any further action required.

Where the Responding Party is convicted of a criminal offence or accepts a police caution in relation to sexual harassment or misconduct this will ordinarily be taken as conclusive proof of such behaviour, and the Club may decide not to continue its internal investigations. However, the Club may still take action within the context of the Club's internal investigation and process.

In some circumstances, the internal investigation will resume at the conclusion of the criminal investigation or judicial proceedings. A decision by law enforcement agencies to take no further action (in relation to a criminal matter), or an acquittal at a trial does not preclude the Club from taking action within the context of the Club's internal investigation and process.

An acquittal or police decision to take no further action should not and will not be automatically taken to mean that the Reporting Party has made a vexatious or malicious complaint.

On a case-by-case basis, the Club will put in place appropriate safeguards and support in place for the Reporting Party and Responding Party. This position will be reviewed from time to time to ensure appropriate support is in place and consider if any action by the Club is required, including resuming the internal investigation.

Internal Investigation
Where an incident is not reported to the police or does not result in a criminal conviction or caution, the Club will consider how to progress the internal investigation.

Multiple Allegations of Sexual harassment or misconduct
Sexual harassment or misconduct may be between a combination of individuals or several people.

Where complaints are made collectively, all Reporting Parties must provide consent for their evidence to be included in the collective complaint.

A Reporting Party may still choose to make an individual complaint separately, if they would prefer not to be part of a collective complaint. Where the Reporting Party makes a complaint against several people, this may be managed as a single investigation or as multiple separate investigations relating to each Responding Party.

Where several complaints are made independently about one person, each of these will be managed on an individual basis. However the Club may make provision for oversight of all the complaints to ensure consistent treatment. If required, evidence obtained in one complaint may be used (with consent) for the purposes of another complaint.

Malicious Reporting

We require all individuals involved in a complaint made under this Policy to act with integrity and provide accurate information.

Complaints will always be assumed to be made in good faith and treated seriously unless there is compelling evidence to the contrary.

If someone makes a complaint as a result of a genuine mistake or misunderstanding, this will not be a malicious or vexatious complaint. Likewise, if the outcome of an initial or formal assessment under this Policy is a recommendation not to uphold the complaint (i.e. the conduct is not found to be sexual harassment or misconduct) it should be emphasised that this would not in itself mean the complaint will be regarded as malicious or vexatious.

For an investigation to indicate that a complaint may be malicious, vexatious or otherwise wrongly made, there would have to be evidence of manifestly false accusations and / or deliberate intent to discredit the Responding Party.

Where it is found that a complaint was malicious, vexatious, deliberately false or otherwise wrongly made, based on the evidence gathered by it, it will then deal with the matter in accordance with Club policies and procedures, which may include disciplinary action.

Support Services

Sexual Assault Referral Centres (SARCs)

Sexual assault referral centres offer medical, practical and emotional support to anyone who has been sexually assaulted or raped. They have specially trained to paediatricians / Forensic Nurse Examiners (FNE) and support workers.

SARCs are free and confidential and offers:

- Special support for young people
- Examinations to collect evidence of rape or sexual assault
- Testing for sexually transmitted infections and HIV
- Specialist therapeutic aftercare such as Counselling, Psychology and ISVA support.

You are not required to provide your details to obtain help.

Organisations for Women
National Domestic Abuse helpline

The National Domestic Abuse Helpline is a freephone 24 hour helpline which provides advice and support to women and can refer them to emergency accommodation. The National Domestic Abuse Helpline is run by Refuge. There are translation facilities if your first language is not English. The 11 Tottenham Hotspur Football Club Sexual harassment or misconduct Policy 2023-24 Helpline also offers BT Type talk for callers with hearing difficulties. The Helpline worker contacts the Type talk operator so that the caller can communicate through them.

Website: www.nationaldahelpline.org.uk

Refuge
The above helpline offers advice and support to women experiencing domestic violence. Refuge also provide safe, emergency accommodation through a network of refuges throughout the UK, including culturally-specific services for women from minority ethnic communities and cultures.

Their website also includes some information for men who are either being abused or who are abusers.

Website: www.refuge.org.uk

Women's Aid
The Women's Aid website provides a wide range of resources to help women and young people. This includes The Survivor's Handbook which provides a range of information including legal and housing advice, tips on how to create a safety plan and advice for people with specialist housing needs. It's available in 11 languages and in audio. They also run a website to support to children and teenagers who may be living in a home affected by domestic violence, or who may be in a violent relationship themselves.

Website: http://www.womensaid.org.uk

Rights of Women
Rights of Women offers confidential legal advice on domestic and sexual violence. You can find out more about what they do and when they're open on their website.

Website: www.rightsofwomen.org.uk

Finding Legal Options for Women Survivors (FLOWS)
FLOWS gives legal advice to women who are affected by domestic abuse - they also give advice to front line workers.

Website: www.rcjadvice.org.uk/family/flows-finding-legal-options-for-women-survivors

Organisations for Men Respect
Men's Advice Line The Men's Advice Line is a confidential helpline for all men experiencing domestic violence by a current or ex-partner. They provide emotional support and practical

advice, and can give you details of specialist services that can give you advice on legal, housing, child contact, mental health and other issues.
Website: www.mensadviceline.org.uk

ManKind Initiative
The ManKind Initiative is a charity offering information and support to men who are victims of domestic abuse or violence. This can include information and support on reporting incidents, police procedures, housing, benefits and injunctions. They can refer you to a refuge, local authority or other another support service if you need it.

Website: new.mankind.org.uk

Everyman Project
The Everyman Project offers counselling to men in the London area who want to change their violent or abusive behaviour. It also has a national helpline which offers advice to anyone worried about their own, or someone else's, violent or abusive behaviour.

Website: www.everymanproject.co.uk

Organisations for lesbian, gay, bisexual and transgender people National LGBT+ Domestic Abuse Helpline
Galop provides support for lesbian, gay, bisexual and transgender people experiencing domestic violence.

Website: www.galop.org.uk/get-help

Organisations for disabled people
SignHealth - Domestic Abuse Service

SignHealth provides a specialist domestic abuse service to help Deaf people find safety and security. You can find out how to contact them on their website.

Website: www.signhealth.org.uk/with-deaf-people/domestic-abuse/domestic-abuse-service/

If you wish to report a Safeguarding Concern please contact the following:

Club Welfare Officer:
Name: Martin Young
Contact number: 07526362941
Email: Exmouthtownwelfare@gmail.com

County FA Designated Safeguarding Officer:
Name: Lorraine Tilley
Contact number: 01626 323566
Email: Lorraine.Tilley@devonfa.com

The FA Safeguarding Case Management Team:

safeguarding@thefa.com