



Personal Safety and Harassment Policy Guidance

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INTRODUCTION

While ukactive is not a regulatory body, we do promote safe and inclusive practices among all ukactive members. We want all facilities to provide a safe and welcoming environment for everyone wishing to access them. Any form of harassment is totally unacceptable and we expect operators to take a **zero-tolerance approach to all types of harassment of both facility users and staff members.**

The safety of staff and facility users within our sectors' premises and digital spaces is paramount. To assist in promoting safety, we have developed this policy guidance for our members to use as a basis to **create their own policy** on Personal Safety and Harassment. Please note that **not all elements of this policy guidance will be suitable/practical for all of our members.**

With the introduction of the Worker Protection (Amendment of Equality Act 2010) Act 2023, employers have a legal duty to proactively take reasonable steps to prevent sexual harassment of employees by colleagues or facility users, making the introduction of a personal safety and harassment policy all the more necessary. This means employers must take action to assess risks and put measures in place ahead of occurrences. To read more about the Workers Protection (Amendment of Equality Act 2010) Act 2023 please refer to the ACAS website [here](#).

Although harassment can take place in a wide variety of situations, this policy guidance focuses on the harassment of a facility user or a member of staff within our sectors' facilities and digital spaces, either by a facility user or by a member of staff towards a facility user.

This policy guidance is not designed to address harassment received by a member of staff from another member of staff. If a member of staff is receiving harassment from another member of staff within the workplace, the organisation will have or will need to create different employment-based policies and processes to deal with this, although some of the below could overlap.

n.b. From here on, customers and facility users are referred to as 'users' within this document.

HARASSMENT CAN BE DEFINED AS:

- Aggressive pressure or intimidation.
- Unwelcome attention based on personal characteristics.
- Conduct which threatens, intimidates, alarms or makes a user uncomfortable, thereby putting them at fear for their safety.
- Physical violence, or direct or inferred sexual threat.
- Threatening, offensive, unwelcome, abusive verbal language or behaviour.

HARASSMENT CAN BE:

- Direct – to the user as an individual from another individual or group of individuals.
- Indirect – witnessed towards someone else, or a group you are not, or do not wish to be, related or linked to.

Harassment doesn't have to be about you to affect and impact you.

EXAMPLES OF HARASSMENT

There are many forms of harassment, and some examples are listed below:

- Negative, unwelcome, aggressive or detrimental comments about race, heritage or ethnicity.
- Comments, jokes or suggestive statements about someone's sexual orientation, gender or identity.
- Derogatory comments or actions regarding a person's ability or disability – physical or mental.
- Exclusive or negative comments, suggestions or behaviours towards a person because of their age.
- Unkind, negative comments that will offend or embarrass someone because of their size, appearance or fitness levels.
- Harassment in digital spaces, such as social media stalking and inappropriate messaging or image sharing.

EXAMPLES OF HARASSMENT IN FACILITIES

Harassment may take many forms, but in a facility environment all of the examples above can be seen through unwanted, unreasonable and unnecessary behaviours that have a negative impact on another person or group of people.

SEXUAL HARASSMENT CAN BE DEFINED AS:

- Unwanted behaviour of a sexual nature. To be sexual harassment, the unwanted behaviour must violate someone's dignity, create an intimidating, hostile, degrading, humiliating or offensive environment for someone.

It can be sexual harassment if the behaviour has one of these effects even it was not intended or if it was intended to have one of these effects even if it did not have that effect.

EXAMPLES OF SEXUAL HARASSMENT

There are many forms of sexual harassment and some examples of this are listed below:

- Unwelcome physical contact – touching, patting, pinching, stroking, kissing, hugging, fondling or inappropriate touching.
- Physical violence, including sexual assault (*as defined by the Sexual Offences Act 2003*).
- Sexual comments, jokes or stories that offend or humiliate a person or group of people.
- Unwanted comments about a person's looks, dress, sexuality, age or gender in a derogatory or objectifying way.
- Repeated unwanted flirting or flirting at an inappropriate time which could be deemed to undermine or damage a person's reputation.
- Lewd behaviour such as leering, whistling or gesturing.

EXAMPLES OF SEXUAL HARASSMENT IN FACILITIES

Sexual harassment may take many forms, but examples of this in a facility environment are:

- Uninvited correction of another user's form or technique when training.
- Taking unsolicited photographs or videos of another person.
- Excessive watching or staring at another person – directly or via mirrors.
- Continuously exercising next to or near to another person or following them around the facility.
- Sending or sharing of unwelcome personal images to any other person.
- Unwanted flirtation or sexual advances.
- Commenting on other people's body, looks or clothing (ie, their appearance).

WHAT TO DO IF YOU HAVE EXPERIENCED HARASSMENT OR INAPPROPRIATE BEHAVIOUR

If you feel you have been the victim of harassment by a user or employee, where appropriate you should discuss this with them directly. If this is not possible or you are not

comfortable to do so, you should report your concerns to the facility management team immediately, either face-to-face or via a confidential email address or phone number (if you would like to speak to a specific individual, please ask). The organisation will then commence an investigation which will follow the company procedures and could include:

1. Taking a detailed statement from you about the incident.
2. Discussing allegations with the subject of the complaint. This will only be done with your consent.
3. Reviewing the initial allegations with the senior manager/executive team to agree any immediate action.
4. If considered appropriate, the user or employee may be suspended from the facility while a full investigation is carried out.
5. A full investigation meeting will be arranged with you, with notes of the discussion taken.
7. CCTV footage will be reviewed (if available).
8. Statements/notes will be taken from any witnesses (if available).
9. A review and recording of any written or other evidence (text, email, social media posts, etc) may be conducted.
10. If, after investigation, there is sufficient evidence to support the allegation, a decision will be made to progress to a disciplinary hearing (employee) or terminate membership (user) or close proceedings if there is insufficient evidence to support the allegations. This process may be different for self-employed contractors.
11. Inform all parties of the outcome, and file securely if needed.
12. If possible, offer mediation to enable and support both parties to move forwards.
13. Please note that in some cases, it may be necessary to refer the allegation to the police or a safeguarding agency.

POSSIBLE OUTCOMES OF EMPLOYEE DISCIPLINARY ACTION

If following an investigation of a minor incident, there is a belief that the individual had acted with poor judgement or made an innocent error, coaching and education may be the appropriate course of action to take.

If, however, the investigation provides evidence that there has been direct or indirect intentional harassment, a formal sanction will be issued. Sanctions will be in line with the employing organisation's procedures guidance, which could include:

- A first warning for a first offence.
- A final warning for a second offence or for a severe first offence.
- Dismissal if other sanctions are on the individual's record and an incident occurs.
- Summary dismissal for gross misconduct.

Internal processes remain confidential, as with all employee management, however, the lessons learned and evidence may be redacted and used in further staff training and education to promote best practice in the future.

POSSIBLE OUTCOMES OF USER INVESTIGATION

If following an investigation of a minor incident, there is a belief that the user has acted with poor judgement or made an innocent error, a warning, apology and education may be the appropriate action to take.

If, however, the investigation provides evidence that there has been direct or indirect intentional harassment, a formal sanction will be issued. Sanctions will be in line with the following guidance:

- A warning of potential ban for a second offence or a severe first offence.
- Immediate ban of the user.

At the start or during an investigation, and once the severity of the allegation is understood to warrant a criminal complaint or safeguarding referral, there may be cases that need to be referred immediately to the police or local authority designated officer.

Internal processes remain confidential, however, the lessons learned and evidence may be redacted and used in further staff training and education to promote best practice in the future.

SUPPORT TO MEMBERS WHO HAVE EXPERIENCED HARASSMENT

1. If you are not happy with the process or the outcome, you can request that the case is escalated to a more senior manager for review in-line with the organisation's procedures.
2. We hope you will be comfortable to return to the facility and will support you as much as we can.
3. You will be offered an opportunity to have a mediated conversation with the subject of the allegation if they remain in the facility, if they agree to participate and if you feel this would be beneficial.
4. If possible, and you would prefer to train at another one of our locations, we will support the transfer of your membership.
5. For details of additional available support, please visit [Support for Victims of Harassment \(Police\)](#) or visit Women's Aid [Information and Support](#).

THE LAW

Assault, sexual assault, harassment, stalking, threat to share, cyberflashing and upskirting are all criminal acts, and therefore punishable by law.

The law is comprehensive and spans five distinct areas, covering different types of offences:

1. **The Public Order Act 1986** created various offences, including
 - a. using threatening, abusive, or insulting words or behaviour or displaying threatening material.
 - b. engaging in behaviour that is likely to cause harassment, alarm or distress.
 - c. inciting racial or religious hatred or hatred based on sexual orientation.
2. **The Protection from Harassment Act 1997** (as amended in 2012) created offences to combat “stalking”. It is an offence to pursue a course of conduct which is likely to cause another person alarm or distress of which amounts to harassment of that person.
3. **The Sexual Offences Act 2003** defines the crime of sexual assault as being committed when:
 - a. a person intentionally touches another person;
 - b. the touching is sexual or sexually motivated,
 - c. the other person does not consent to be touched in this way, and
 - d. the offender did not reasonably believe that they consented.
4. **The Domestic Abuse Act 2021** extended the existing illegal sharing of private images or films to include the threat to share – and incorporates overlapping areas of coercive control and technical abuse.
5. **The Online Safety Act 2023** outlaws deepfakes, taking down blousing/upskirting images and cyberflashing.

FURTHER INFORMATION

- [Equality Act 2010](#)
- For Northern Ireland: Employment Equality (Sexual Orientation) Regulations (NI) 2003, Equality Act (Sexual Orientation) Regulations (NI) 2006, Fair Employment Treatment (NI) Order 1998, Race Relations (NI) Order 1997, Sex Discrimination (NI) Order 1976, Disability Discrimination Act 1995, Employment Equality (Age) Regulations (NI) 2006
- [Safer Spaces to Move practical guides](#) – providing insight, guidance and tangible solutions to support fitness and leisure operators in getting more women and girls active within their facilities
- [ACAS – Discrimination, bullying and harassment](#)
- [Women’s Aid](#) – for more information on violence and abuse of women and how to enact change that lasts.