

## Handling a complaint

As an employer, you should:

- take any complaint of sexual harassment seriously
- handle a complaint fairly and sensitively
- look into a complaint as quickly as possible

### How someone might make a complaint

The person making the complaint may talk to you to try and resolve the problem informally.

They may raise a grievance instead, if they feel that either:

- raising it informally has not resolved the issue
- it's too serious to raise informally

You may have your own policy on sexual harassment. It might say who the person should send their complaint to, for example someone in your organisation with specialist training.

The complaint might come from:

- the person who's experienced sexual harassment
- someone who's witnessed it

Find out more about:

- [dealing with a problem raised by a worker](#)
- [formal grievance procedures](#)

### Talking to the person who's made a complaint

You should talk with the person who raised the issue. This can help you understand what's happened and what might help resolve it.

When you're talking to them, think carefully about what you say. Some things will not be appropriate or acceptable.

For example:

- do not tell someone it could be a long and difficult process, or ask them if they're sure they want to go ahead – this could imply you think they should not carry on with the complaint
- do not say their complaint does not seem that serious – you should treat all complaints seriously

### Keep an open mind

You should not let your own views or feelings influence you handle a complaint.

This is particularly important if:

- you get on well with the person accused of sexual harassment
- you believe the person accused is not likely to have done it
- the person accused is someone senior or influential
- you personally do not find the behaviour offensive

Something that you would not find offensive or unwanted can feel very different to someone else.

You should not doubt a sexual harassment complaint simply because nobody else witnessed it.

You must not ignore or cover up a sexual harassment complaint.

## Non-disclosure agreements

You cannot use a non-disclosure agreement (NDA) to stop someone:

- [whistleblowing](#)
- reporting a crime to the police – for example, sexual harassment

Important: From 6 April 2026, sexual harassment will become a 'qualifying disclosure' under whistleblowing law. This means whistleblowers making a sexual harassment disclosure will be protected from detriment and unfair dismissal.

[Find out more about non-disclosure agreements](#)

## Dealing with the complaint

An employee will either make an informal or formal complaint. Dealing with a problem informally means taking steps to resolve it without using a formal grievance procedure.

It may be possible to resolve a complaint informally. This can be quicker and less stressful for everyone. However, not every situation is suitable to handle informally.

You may decide that the most appropriate way to handle the complaint is by asking the person to [raise a grievance](#). This is where they make a formal complaint.

Reasons for asking them to raise a grievance might include the seriousness of the complaint.

They might not want to make a formal complaint, for example because they think it will be too distressing. In this case, you might still consider a [disciplinary procedure](#) against the person they're complaining about.

You might have a specific policy on sexual harassment. If it contains a complaints procedure you should follow that procedure.

In some cases, you might only have evidence from the person making the complaint and the person accused. You should hear the evidence from both sides in a fair process. You can still decide the case is valid if you believe the person who made the complaint.

## If the case reaches an employment tribunal

The procedure you've followed will be taken into account if the case reaches an [employment tribunal](#).

An employment tribunal will consider what you did to prevent sexual harassment. The law says that:

- employers must take reasonable steps to prevent sexual harassment at work
- an employer can be held responsible for harassment carried out by a worker, if they have not taken all reasonable steps to prevent it – this is called [vicarious liability](#)

There are strict time limits for making a claim to an employment tribunal. In most cases, someone has 3 months minus 1 day from the date of the most recent sexual harassment.

If the time limit has passed, someone can still make a claim to an employment tribunal. It's up to the judge to decide whether they will accept the claim. They will consider:

- if there's a good reason for the person taking more than 3 months
- if it's fair to you to allow their case to go ahead

[Find out more about employment tribunal time limits](#)

## Complaints a long time after an incident

If someone makes a complaint a long time after an incident, you should still:

- take it seriously
- deal with it completely, or as far as you possibly can

There may be limits on how far you can take the complaint. For example, if:

- the person accused of sexual harassment no longer works for you
- witnesses no longer work for you
- evidence is no longer available

You should still investigate even if the person making the complaint has run out of time to make a claim to an employment tribunal.

You should talk to the person who's made the complaint about any potential limits. In this situation, you should:

- look into their complaint as far as you possibly can
- keep them informed
- let them know the outcome as soon as there is one

## When it's a crime

If someone tells you they have been sexually assaulted or raped at work, they might also report it to the police.

You should:

- talk with them about whether they intend to tell the police
- encourage them to report it, without putting any pressure on them
- support them if they choose to report it

If they decide not to report it to the police, you should respect their decision.

However, you might feel you need to tell the police yourself in some circumstances. For example if there's an ongoing risk to the person's safety or the safety of others.

If you're going to tell the police, you should:

- tell the person who's made the complaint first
- let them know once you've reported it to the police

If you're not sure what to do, you could:

- [get specialist advice](#)
- [consider getting legal advice](#)

## If it's been reported to the police or it's going through a court

You might have to wait for the criminal process to finish before you can:

- investigate the complaint
- carry out a workplace [disciplinary procedure](#)

You should:

- check with the police before doing either of those things, to make sure there's no risk of prejudicing the criminal process
- consider getting legal advice
- give information to the police if they ask for it

If the criminal process does not result in a conviction, you could still take disciplinary action.

This is because the level of evidence needed to prove a crime is higher than what's needed for an employer's disciplinary procedure.

## Supporting someone who's made a complaint

Being sexually harassed can be extremely distressing and can even be life-changing.

The person making the complaint may be worried that:

- they will not be taken seriously
- you will make them confront the person accused of sexual harassment
- they might be asked about their personal life
- other people will find out personal information about them
- they will be victimised for making a complaint
- they will suffer a detriment or dismissal for [whistleblowing](#)

You must make sure none of those things happen.

You should make sure that:

- reporting sexual harassment is as easy as possible
- the person making the complaint feels safe and protected
- you offer the person [mental health support](#), for example through an employee assistance programme (EAP) if you have one
- you talk to them privately and do not rush them
- the person investigating the complaint is impartial and trained for the role

## Supporting someone who's been accused

Being accused of sexual harassment can be very distressing.

You must:

- carry out a fair and thorough investigation and handle it sensitively
- not presume the accusation is either true or false

The person who's been accused may be very worried that:

- what they say will not be taken seriously
- you will make them confront the person who made the complaint
- they might be asked about their personal life
- other people will find out personal information about them

You must make sure none of those things happen.

You should offer them the same kind of support you offer to the person who's made the complaint. For example:

- talk to them privately and do not rush them
- offer them [mental health support](#)
- assure them that the person investigating the complaint is impartial and trained for the role

## Confidentiality

You should handle the complaint confidentially, including any investigation.

You should explain to anyone involved that they should not discuss the case with anyone, apart from:

- their trade union representative
- someone at work who's acting as a companion at a formal meeting
- close family or friends who are supporting them

## Protecting workers after a complaint

Depending on the circumstances, you may need to take steps to protect:

- the person who made a sexual harassment complaint
- the person accused
- other workers

In some cases, you may want to suspend the person who's been accused while you're dealing with the complaint. For example, if there's a serious risk to the employee who made the complaint or to other people. You should think very carefully before suspending someone as there may be other options.

In some cases, you might need to separate the employees involved while you handle a formal complaint. For example, you might temporarily move one of them to a different shift or location.

You should not move the person who made the complaint, unless they ask to be moved. Moving them when they have not asked for this could be seen as a punishment for complaining.

[Find out more about suspension and other options](#)

## Deciding what action to take

After following a fair procedure to look into a formal complaint, you should decide what action to take.

If the outcome of the procedure means you need to consider disciplinary action, you should follow a [formal disciplinary procedure](#).

If you follow up with a disciplinary procedure, it's unlikely that you'll need to investigate again. But if you feel you need more information, you should investigate further.

## After you've dealt with a grievance

You should tell the person who made the complaint what the outcome is.

It can also be a good idea to talk privately with anyone who was directly involved.

This would usually be to:

- tell them the process is finished
- remind them not to talk about it with other people at work

[Find out more about what to do after a grievance](#)

## Managing the situation afterwards

When sexual harassment has taken place, you must take action to [prevent sexual harassment happening again](#).

You should also consider carefully how to manage the specific situation.

### If the person who carried out the harassment still works for you

If you decide against dismissal, your options might include:

- disciplinary action short of dismissal, for example a final written warning
- training and supervision for the person who carried out the harassment
- moving them to another location or role to keep them apart from the person they harassed

### If you dismiss them

If you dismiss someone, your options for managing the situation afterwards might include:

- finding ways to make sure they cannot target the person they sexually harassed – for example if your workplace is open to the public
- offering workers counselling

### If the complaint is not upheld

'Not upheld' means either:

- you decided the behaviour was not sexual harassment
- there was not enough evidence to make a decision

You should consider steps to help manage working relationships. For example:

- counselling
- mediation
- nominating someone that either person can talk to if they have concerns
- offering other roles if you cannot resolve a breakdown in a working relationship

## Acas support for employers

If you need support, you can:

- [contact the Acas helpline](#)
- [do training on dealing with unacceptable behaviours at work](#)
- [get tailored support for your organisation](#)

Related content

[Answering questions about a discrimination complaint](#)