

TOTTENHAM HOTSPUR FOOTBALL CLUB

Sexual Misconduct Policy

Foreword

This Sexual Misconduct Policy (the “**Policy**”) reflects the ethos of Tottenham Hotspur Football and Athletic Co. Limited (trading as “**Tottenham Hotspur Football Club**”), its Group Companies, Tottenham Hotspur Foundation (a registered charity known as the “**Foundation**”) and Tottenham Hotspur Women Football Club Limited – together the “**Club**”.

The board of directors of the Club and trustees of the Foundation endorse this Policy as part of the Club’s constitution and commitment to support Players and Staff from sexual misconduct.

The Club is committed to working in partnership with The Football Association, the Premier League and relevant statutory and regulatory agencies to ensure that information and training opportunities are available to all Players and Staff to ensure best practice when dealing with matters of sexual misconduct.

Matthew Collecott

STRATEGIC SAFEGUARDING LEAD

Board of Directors of the Club

Trustee of the Foundation

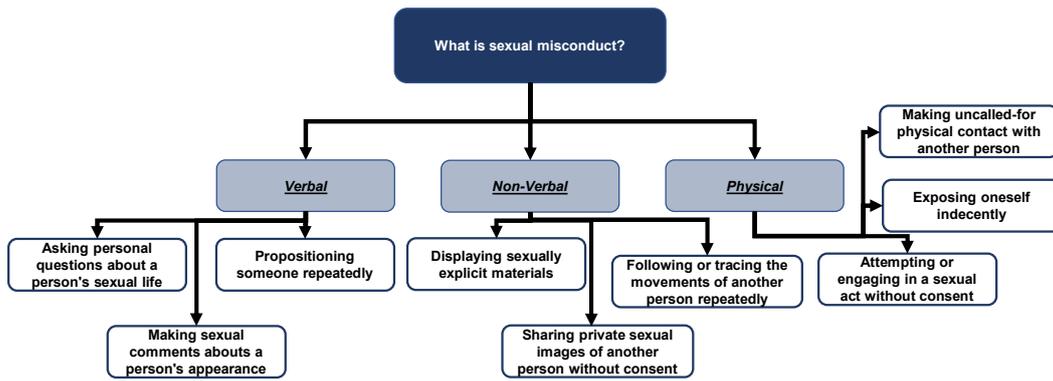
Effective Date of Policy: April 2024

Policy Owner/Lead: Head of Safeguarding and Welfare

Review Date: April 2025

Tottenham Hotspur Football Club – Sexual Misconduct

INTERNAL ONLY



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.

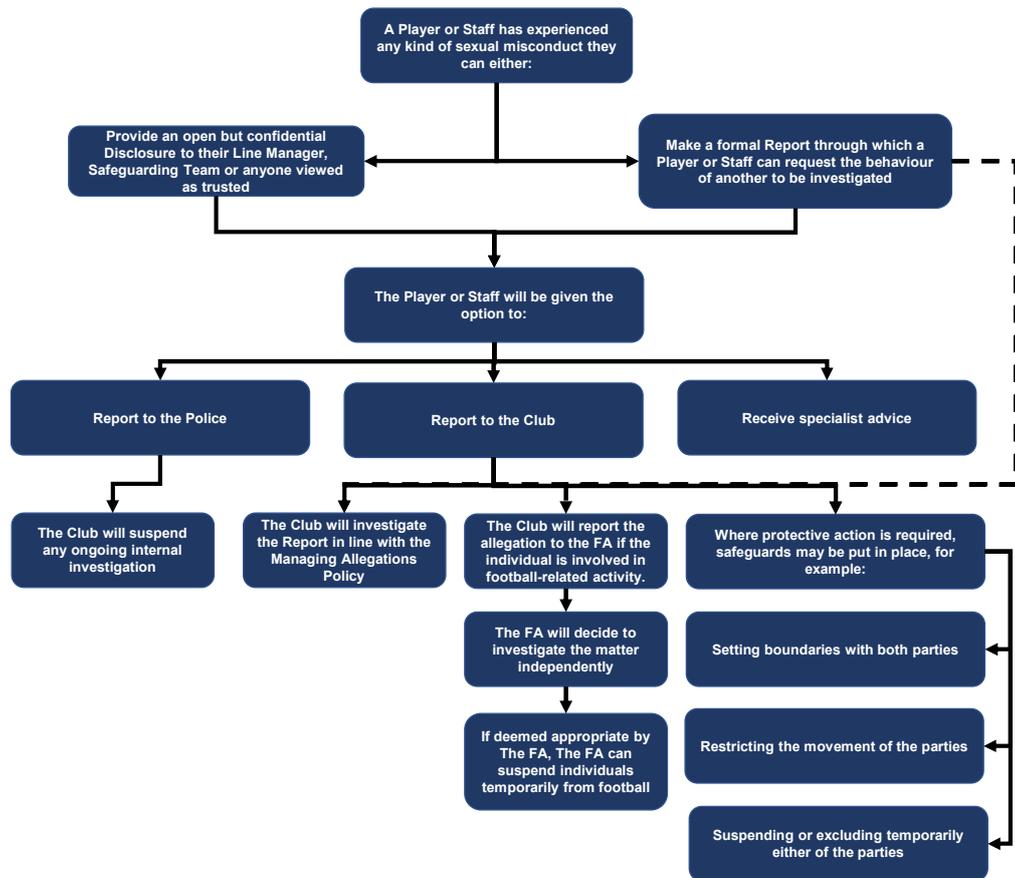
Consent must be present every time a person engages in sexual activity with another person.

Capacity

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 or Reporting Sexual Misconduct



Malicious or vexatious complaints of sexual misconduct

Complaints will always be assumed to be made in good faith and treated seriously unless there is compelling evidence to the contrary. The Club expects all individuals to act with integrity.

Where a complaint is to be found to be vexatious or malicious or otherwise wrongful then this will be dealt with independently and may result in disciplinary action or other sanction.

Introduction

This Policy applies to acts of sexual misconduct by and against any Player or Staff 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 misconduct where the Responding Party is a Player or member of Staff, regardless of whether they were a Player or member of Staff of the Club at the time when the alleged sexual misconduct took place, and whether or not they are a Player or Staff at the point when the complaint is made.

The Club acknowledges that sexual 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 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 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 Players and Staff. 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 Players and Staff are aware of their responsibilities in relation to sexual misconduct;
- b) provide a fair, transparent and consistent approach for reporting, investigating and responding to allegations of sexual misconduct; and
- c) ensure that information about sources of support is made available to anyone who experiences sexual misconduct or who is accused of sexual misconduct.

The Club undertakes to make available (on request) electronic copies of this Policy as amended from time to time to stakeholders. Electronic copies of this Policy are available on The Shelf. The Shelf will also contain contact details in the event that (i) any individual is unable to download this Policy; and/or (ii) any individual requires this Policy in another form, for example, in braille or large print. All requests will be considered on their merits on a case-by-case basis. In circumstances where an individual has been classified as having an intellectual impairment, the Club shall use all reasonable endeavours to communicate the contents of this Policy to such individual in the most appropriate manner.

What is Sexual Misconduct?

Sexual 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 misconduct makes it clear that this Policy is separate from and additional to any legal process.

There may be some instances where incidents raised under this Policy are more appropriately governed by the Club's Domestic Abuse, Coercive and Controlling Behaviours & Stalking Policy.

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

Verbal	Non-Verbal	Physical
<ul style="list-style-type: none">• 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.	<ul style="list-style-type: none">• 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.	<ul style="list-style-type: none">• 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 Misconduct

If a Player or Staff at the Club has experienced any kind of sexual misconduct, they can disclose or report this to the Club as follows:

- provide an open but confidential Disclosure to the Line Manager, Safeguarding Team, or anyone they view as trusted without being required to make a formal Report; or
- make a formal Report under this Policy, through which a Player or Staff can request that the behaviour of another Player or Staff, or visitor to the Club's Premises is investigated.

When a Disclosure is made, the person who the Disclosure has been made to should:

- escort 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 two (2) members of Staff should be present, one (1) to talk to the Reporting Party and one (1) to take notes. If available, one (1) of the members of Staff be a member of the Safeguarding 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 via a MASH referral and notifying police (this will be undertaken by a Safeguarding Manager or the Head of Safeguarding);
- take an account of the incident, details of the Responding Party and any other useful information; and
- at the earliest opportunity, call a member of the Safeguarding Team (if a member of the Safeguarding Team is not available, then a senior member of Staff should be informed).

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 as set out in **Appendix 2**.

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.

Initial Review

Where the Club becomes aware of an allegation of sexual misconduct against a Player or Staff, an initial review of the case shall take place and the case will be securely logged. An investigation will then be undertaken in line with the procedure outlined within the Managing Allegations Against Staff Policy.

Where the Reporting Party is a Player or Staff at the Club, they will be offered the support of the Safeguarding Team.

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 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 misconduct allegation as required in line with the relevant Football Authorities Regulations and the relevant thresholds in line with the Managing Allegations Against Staff Policy.

The Football Association may decide to investigate the matter independently and have powers to suspend individuals from football.

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 Safeguarding Team will work alongside 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 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.

All internal investigations under this Policy will be assessed and undertaken in line with the Club's Managing Allegations Against Staff Policy (which can be accessed [here](#)).

Multiple Allegations of Sexual Misconduct

Sexual 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 this will be determined in accordance with the Managing Allegations Against Staff Policy.

Where several complaints are made independently about one person, each of these will be managed on an individual basis. However, in line with the Managing Allegations Against Staff Policy, 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. The Managing Allegations Group will always examine the evidence from the case to determine whether a complaint is made in good faith.

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 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 the Managing Allegations Group finds 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.

Appendix 1 - Definitions and Rules of Interpretation

Definitions

The following definitions apply in this Policy:

“Disclosure”	means when a Reporting Party informally discloses an incident of sexual misconduct to the Club under this Policy;
“Football Authority Regulations”	means the rules and regulations from time to time in force under the auspices of The Football Association and/or the Premier League to the extent that they relate or apply to the Club;
“Player”	means all Club players in the men’s senior first team, the women’s senior first team, the academy and the women’s academy and “Players” shall be construed accordingly;
“Position of Trust”	Means a role where the post holder has power and authority and may have key influence in the life of others, this includes but is not limited to coaching staff and medical staff;
“Premier League”	means The Football Association Premier League Limited, or any other successor or replacement competition organiser of the football league matches in which the Club competes;
“Rape”	means non-consensual penetration of someone’s vagina, anus or mouth by another person’s penis. Non-consensual means you didn't freely agree to have sexual intercourse. Someone can also be convicted for rape if they assist or help someone else to rape;
“Report”	means when a Reporting Party formally reports an incident of sexual misconduct to the Club under this Policy;
“Reporting Party”	means the individual who reports or makes a complaint of sexual misconduct to the Club;
“Responding Party”	means the individual who is accused of sexual misconduct;
“Staff”	any individual acting for or on behalf of the Club in an official role whether as an employee, volunteer, casual workers or staff, consultant or otherwise; and
“The Football Association”	means The Football Association currently the governing body of professional association football in England.

Application of the Policy

This Policy applies to all Players and Staff.

This Policy shall not form part of any contract of employment or contract to provide services.

All Players and Staff under the jurisdiction of the Club agree to abide by all Club policies and procedures as in place from time to time, including this, Policy.

Power to Change, Rescind or Add to the Provisions of the Policy

In the event an issue arises that is not foreseen in this Policy, it will be addressed by the Club in a manner that protects and promotes the objectives identified in this Policy.

The Club is committed to reviewing this Policy periodically which may be amended from time to time by the Club without notice.

Legislative Framework

In creating this Policy, the Club has referred to the Equality Act 2010, the Sexual Offences Act 2003 and the Protection from Harassment Act 1997. Some forms of sexual misconduct may also constitute criminal offences under a range of legislation. Potential criminal offences include sexual assault, rape, stalking or disclosing private sexual images to cause distress (e.g. revenge pornography).

Laws

The laws of England and Wales shall apply to this Policy.

Appendix 2 –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.

The Havens (London)

- Tel: 020 3299 6900 - 24 Hours
- Camberwell Haven, near to King's College Hospital (south)
- Whitechapel Haven, near to Royal London Hospital (east)
- Paddington Haven, near to St Charles Centre for Health and Wellbeing (west)

The Lighthouse (London) – under 18s within 7 days of a sexual assault only

- Tel: 020 3049 0010
- Refer via email to thelighthouse.ask@nhs.net

Oakwood Place - Essex SARC

- Tel: 01277 240 620 (Office Hours Only)
- Brentwood Community Hospital
Crescent Drive, Brentwood, Essex CM15 8DR

Herts SARC (Sexual Assault Referral Centre)

- Tel: 0808 178 4448

Solace Centre - Surrey SARC

- Tel: 0300 130 3038 - 24 Hours
- Cobham Community Hospital
168 Portsmouth Road, Cobham, Surrey KT11 1HS

Thames Valley Sarc Slough

- Tel: 0800 970 9952- 24/7 helpline
- Solace Centre, Upton Hospital
Albert Street, Slough, Berkshire SL1 2BJ

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

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

Southall Black Sisters

Southall Black Sisters provide advice for Black (Asian and African-Caribbean) women with issues including domestic abuse, forced marriage, immigration and homelessness.

Website: www.southallblacksisters.org.uk

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

SurvivorsUK

This is a helpline for men who have been victims of rape or sexual abuse.

They may be able to arrange counselling or a support group if you live in the London area, or provide details of an appropriate service if you don't.

Website: www.survivorsuk.org

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/