



Sexual Harassment Policy

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| Audience: | All school and academy staff, Local Governance Committees, Board of Trustees |
| Reviewed: | Adopted October 24 |
| Other related policies / procedures | Anti-harassment and Bullying Policy Drug and Alcohol at Work Policy Staff and Volunteer Code of Conduct Staff Disciplinary Procedures Staff Grievance Procedures Staff Wellbeing Policy Visitor Policy Whistleblowing Policy |
| Owner | Deputy CEO |
| Policy / procedure model | MAT policy: all Crofty schools use this policy |

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1. Policy statement

- 1.1 We are committed to providing a working environment free from sexual harassment and ensuring all staff are treated, and treat others, with dignity and respect. We recognise that sexual harassment can occur both in and outside the workplace, such as on school trips, or at school-related events or social functions, or on social media.
- 1.2 Sexual harassment or victimisation of any member of staff, or anyone they come into contact with during the course of their work, is unlawful and will not be tolerated. We will take active steps to help prevent the sexual harassment and victimisation of all staff. Anyone who is a victim of, or witness to, sexual harassment is encouraged to report it in accordance with this policy. This will enable us to take appropriate action and provide support. Sexual harassment can result in legal liability for both the Trust and the perpetrator, whether they work for us or are a third party outside of our control. Sexual harassment may result in disciplinary action up to and including dismissal.

2. About this policy

- 2.1 The purpose of this policy is to set out a framework for Line Managers to deal with any sexual harassment that occurs by staff (which may include consultants, contractors and agency workers) and also by third parties such as parents, pupils, suppliers or visitors to our premises.
- 2.2 This policy has been implemented following consultation with the recognised Trade Unions
- 2.3 This policy does not form part of any contract of employment or contract to provide services, and we may amend it at any time subject to agreement with the recognised Trade Unions.

3. Who does this policy apply to?

- 3.1 This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns.

4. Who is responsible for this policy?

- 4.1 The Trustees have overall responsibility for the effective operation of this policy but have delegated responsibility for overseeing its implementation to the Chief Executive Officer.
- 4.2 Headteachers (Schools) and Line Managers (SST), collectively referred to as 'Line Managers' for the purpose of this document, have day-to-day responsibility for this policy and you should refer any questions about this policy to them in the first instance.

5. What is sexual harassment?

- 5.1 Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to sexual harassment.
- 5.2 It also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past.
- 5.3 Sexual harassment may include, for example:
 - (a) unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
 - (b) continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;

- (c) sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
 - (d) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); or
 - (e) offensive emails, text messages or social media content.
- 5.4 A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.
- 5.5 Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:
- (a) Bringing proceedings under the Equality Act 2010.
 - (b) Giving evidence or information in connection with proceedings under the Equality Act 2010.
 - (c) Doing any other thing for the purposes of or in connection with the Equality Act 2010.
 - (d) Alleging that a person has contravened the Equality Act 2010.
- 5.6 Victimisation may include, for example:
- (a) Denying someone an opportunity because it is suspected that they intend to make a complaint about sexual harassment.
 - (b) Excluding someone because they have raised a grievance about sexual harassment.
 - (c) Failing to promote someone because they accompanied another staff member to a grievance meeting.
 - (d) Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.
- 5.7 Sexual harassment and victimisation are unlawful and will not be tolerated. They may lead to disciplinary action up to and including dismissal if they are committed:
- (a) In a work situation.
 - (b) During any situation related to work, such as at a social event with colleagues.
 - (c) Against a colleague or other person connected to us outside of a work situation, including on social media.
 - (d) Against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.
- 5.8 We will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.
- 5.9 If any sexual harassment or victimisation of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include updating relevant policies, providing further staff training and taking disciplinary action against the perpetrator.

6. Third Parties

- 6.1 Third-party harassment occurs where a person is harassed or sexually harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, unwelcome sexual advances from a parent, pupil or supplier visiting the employer's premises, or where a person is visiting another's premises or other location in the course of their employment.

- 6.2 Third-party sexual harassment can result in legal liability and will not be tolerated. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.
- 6.3 This policy makes it clear that Crofty will not tolerate sexual harassment of its staff and sets out the actions that we may take if a third party sexually harasses a staff member, including speaking with or writing to the alleged third party harasser or their superior (or both) about their behaviour, banning the alleged third party harasser from school premises (including parents and family members), banning the alleged third party harasser from working within or for Crofty, banning the third party organisation and persons employed by the third party from the premises, events, meetings, or contracting employees, terminating any business relationships with the third party, reporting criminal acts to the police, or sharing the information in line with any statutory or regulatory duty.
- 6.4 Crofty will also undertake the following steps to minimise the risk of sexual harassment of its staff by third parties:
- a) Ensure that third parties are made aware of this policy and ensure that it is readily available and accessible to all.
 - b) Provide all visitors to Crofty sites with a copy of the Crofty Prevention of Sexual Harassment Guide for Visitors and Volunteers upon arrival.
 - c) Consider the use warning notices to third parties or recorded messages at the beginning of telephone calls.
- 6.5 Any sexual harassment by a member of staff against a third party may lead to disciplinary action up to and including dismissal.
- 6.6 If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include warning the harasser about their behaviour, banning them from our premises, reporting any criminal acts to the police, and sharing information with other schools within the Trust.

7. If you are being sexually harassed: informal steps

- 7.1 If you are being sexually harassed, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult, you should speak to your Line Manager who can provide confidential advice and assistance in resolving the issue formally or informally. If you feel unable to speak to your Line Manager because the complaint concerns them, you should speak informally to the HR Coordinator. If this can not resolve the issue, the formal procedure is outlined below.
- 7.2 If you are not certain whether an incident or series of incidents amounts to sexual harassment, you should initially contact your Line Manager informally for confidential advice.
- 7.3 If informal steps are not appropriate, or have been unsuccessful, the formal procedure is outlined below.

8. Raising a formal complaint

- 8.1 If you wish to make a formal complaint about sexual harassment, you should submit it in writing to your Line Manager. If the matter concerns your Line Manager, you should submit it to the Deputy CEO.
- 8.2 Your written complaint should set out full details of the conduct in question, including the name of the harasser, the nature of the sexual harassment, the date(s) and time(s) at which it occurred,

the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

- 8.3 If you wish to make a formal complaint about victimisation, you should submit it in writing to your Line Manager. If the matter concerns your Line Manager, you should submit it to Deputy CEO.
- 8.4 Your written complaint should set out full details of the conduct in question, including the name of the person or persons you believe have victimised you, the reason you believe you have been victimised, the nature of the victimisation, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- 8.5 As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

9. If you witness sexual harassment or victimisation

- 9.1 Staff who witness sexual harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:
 - (a) Intervening where you feel able to do so.
 - (b) Supporting the victim to report it or reporting it on their behalf.
 - (c) Reporting the incident where you feel there may be a continuing risk if you do not report it.
 - (d) Co-operating in any investigation into the incident.
- 9.2 All witnesses will be provided with appropriate support and will be protected from victimisation.

10. Formal investigations

- 10.1 We will investigate complaints in a timely, respectful and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it.
- 10.2 We will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation.
- 10.3 Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged harasser who may also be accompanied by a colleague or trade union representative of their choice to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.
- 10.4 Where your complaint is about someone other than an employee, such as a parent, pupil supplier or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the school and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.
- 10.5 We will also consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours to avoid or minimise contact with the alleged harasser.
- 10.6 It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.
- 10.7 At the end of the investigation, the investigator will submit a report to the Line Manager. The Line Manager will arrange a meeting with you, usually within a week of receiving the report, in order

to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. A copy of the report and the Line Manager's findings will be given to you and to the alleged harasser.

11. Action following the investigation

- 11.1 If the Line Manager considers that there is a case to answer and the harasser is an employee, the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure. Our investigation into your complaint may be put on hold pending the outcome of the Disciplinary Procedure. Where the disciplinary outcome is that sexual harassment occurred, prompt action will be taken to address it. If the harasser is a third party, such as a parent or other visitor, we will consider what action would be appropriate to deal with the problem.
- 11.2 Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation or counselling, or to change the duties, working location or reporting lines of one or both parties.
- 11.3 Any staff member who deliberately provides false information in bad faith, or who otherwise acts in bad faith as part of an investigation, may be subject to action under our Disciplinary Procedure. However, you will not be disciplined or treated detrimentally because your complaint has not been upheld.

12. Appeals

- 12.1 If you are not satisfied with the outcome you may appeal in writing to the CEO or Chair of Trustees stating your full grounds of appeal, within ten working days of the date on which the decision was sent or given to you.
- 12.2 We will hold an appeal meeting, normally within one week of receiving your written appeal. Where practicable, the appeal hearing will be conducted by a senior manager who has not been previously involved in the case. They may ask anyone previously involved to be present. You have the right to bring a colleague or trade union representative to the meeting.
- 12.3 We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

13. Protection and support for those involved

- 13.1 Staff who make complaints, report that they have witnessed wrongdoing, or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.
- 13.2 If you believe you have suffered any such treatment you should inform your Line Manager. If the matter is not remedied, you should raise it formally using our Grievance Procedure or this procedure if appropriate.
- 13.3 We will monitor the treatment and outcomes of any complaints of sexual harassment or victimisation we receive to ensure that:
 - a) they are properly investigated and resolved,
 - b) those who report or act as witnesses are not victimised,
 - c) repeat offenders are dealt with appropriately,
 - d) cultural clashes are identified and resolved,
 - e) workforce training is targeted where needed.

- 13.4 We offer access to confidential counselling, via Education Mutual, the details for which are displayed around our settings. Alternatively, please contact the HR Coordinator for more information.
- 13.5 Support and guidance can also be obtained from your trade union and the following external services:
- a) The Equality Advisory and Support Service (www.equalityadvisoryservice.com).
 - b) Protect (www.protect-advice.org.uk).
 - c) Victim support (www.victimsupport.org.uk).
 - d) Rape crisis (www.rapecrisis.org.uk).
 - e) Rights of women (England and Wales) (www.rightsofwomen.org.uk).

14. Reporting outcomes, confidentiality and record-keeping

- 14.1 Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.
- 14.2 When appropriate and possible, where a complaint is upheld, we will advise the complainant of the action that has been taken to address their specific complaint and any measures put in place to prevent a similar event happening again.
- 14.3 Information about a complaint by or about a staff member may be placed on their personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

Annex A - Risk Assessment

School name:

Assessment date:

Assessor's name:

1. Identify potential risks

Areas of potential risk (examples):

- classrooms
 - eg if delivering certain types of lessons, eg PSHE
 - eg if working one to one with a pupil
 - eg if supporting a student with certain needs who may have difficulty understanding appropriate behaviour
- staff rooms
 - eg if in an isolated area or infrequently used by many staff
- offices:
 - eg in work meetings where there may be power imbalances
- school trips
 - eg risk of harassment from colleagues outside of usual workplace/structures
- online interactions (eg emails, school forums, social media)
 - eg risk of harassing comments or messages from parents, students or anonymous accounts, as perpetrator may feel low risk of being identified
- parent/carer meetings
 - eg if in a one-to-one setting
- school events or staff away days
 - risk of harassing behaviour perhaps increased outside of usual workplace/structures.

Ask staff about any other situations in which they may feel unsafe.

Identify nature of potential risks (examples):

- Inappropriate and/or offensive or otherwise harassing comments
- Unwanted and/or otherwise harassing physical contact
- Online harassment
- Abuse of power by colleagues or supervisors

Factors to consider when a risk is identified:

- Define the nature of the risk, including where and how it might occur

- Consult with staff: engage with employees to gather their insights and concerns. This can be done through surveys, focus groups, or one-on-one meetings.

2. Evaluate the risks

Factors to take into account in evaluating risk could include:

Work environment: isolated or unsupervised areas, such as classrooms, staff rooms, or offices

Work culture

Power dynamics: activities that involve close physical proximity or travel, such as school trips or after-hours events, or where some staff may feel they are 'off-duty' and that the usual norms and policies don't apply

Online interactions: use of digital communication tools where inappropriate behaviour can occur, such as emails or social media, including the risk of anonymous accounts

Consider what steps the school already takes in respect of these risks

Consider the likelihood and impact

Consider the likelihood of these risks occurring and their potential impact.

3. Implement preventative measures

Implement an action plan:

- Based on the risk identification, outline specific actions to mitigate the risk, or detail what actions or steps already exist. This could include:
 - increasing supervision in certain areas by:
 - Identifying any spaces with poor visibility and seeking to address this
 - leave doors open in meetings/one-to-ones where possible
 - have windows uncovered
 - consider CCTV if necessary or appropriate
 - if a third-party presence is possible, consider this if necessary or appropriate
 - communicate and enforce appropriate policies including:
 - staff code of conduct
 - anti-harassment and anti-bullying policies, and equality policy
 - dignity at work policy/well-being policy
 - school behaviour policy
 - parent/visitors code of conduct
 - social media policy including what steps will be taken to support staff subjected to harassing online comments
 - providing training:
 - around sexual harassment generally and/or around the school's policies and reporting structures. Ensure all staff are aware of the sexual harassment policy and what constitutes sexual harassment
 - about what to do if a person witnesses sexual harassment in the workplace
 - to support teachers in being able to address inappropriate student behaviour

- reporting mechanisms:
 - establish confidential and accessible reporting channels for staff
 - ensure there are clear procedures for handling complaints
- consider measures to protect staff in risky situations with pupils by:
 - reviewing the nature of what is being taught if relevant and possible
 - providing appropriate training and support, and implementing the school's behaviour policy
- Identify or assign areas of responsibility: clearly define who is already responsible, or who will be responsible for each for each action. This ensures accountability and clarity
- Set timelines: establish clear deadlines for when each action should be completed.

4. Procedures/action

Immediate action on reports:

- Prompt response: ensure that any reports of harassment are taken seriously and addressed promptly. This includes conducting thorough investigations and taking appropriate disciplinary action if necessary
- Support for victims: provide support to victims of harassment, eg counselling/adjustments to their work environment if needed
- Consider if relevant staff members are trained to handle harassment cases.

5. Review and update policies and procedures

Regular Reviews:

- Conduct regular reviews of the risk assessment and any relevant policies (eg the harassment policy)
- Gather feedback from staff to identify any new risks or areas for improvement.

Monitoring and evaluation:

- Continuously monitor the workplace to ensure that the preventative measures are effective. This can include regular check-ins with staff
- Periodically evaluate the effectiveness of the actions taken.

Incident analysis:

- Analyse any incidents of harassment to understand how they occurred and how they can be prevented in the future.