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# SEXUAL HARASSMENT POLICY FOR ALL CATEGORIES OF SCHOOLS

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## **1. POLICY**

As a good employer, the purpose of this policy is to provide clear, consistent and fair procedures that enable the governing body to meet its responsibilities under employment legislation and best practice, including ACAS guidelines.

The governing body is committed to providing an inclusive, supportive and safe working environment where its employees behave, and are treated, respectfully, and where the environment is free from sexual harassment.

No member of the school workforce should have to tolerate sexual harassment from colleagues, pupils, parents and carers, members of the public, third party employees or other individuals they may encounter at work, or on school trips. The aim of the policy is to prevent, respond to incidents that arise and take action to effect long-term change.

We take action to prevent sexual harassment from occurring and have clear reporting procedures. If you have been sexually harassed or you have witnessed sexual harassment, we strongly encourage you to report this to us. An employee found in breach of this policy may face disciplinary action up to and including dismissal, depending on the seriousness of the case.

Where an incident relating to sexual harassment is raised against either a pupil or parent, this policy should be used alongside existing school policies which relate to the conduct of both parents and pupils.

## **2. SCOPE**

This policy and procedure applies to all volunteers, workers, consultants and employees who work in a maintained school, but can be applied to Voluntary Aided, Trust Schools and Academy Schools. All Community and Voluntary Controlled schools where the Local Authority is the legal employer must follow this policy and procedure.

Please note that if any variations to the policy are made, you will need to consult with the recognised trade unions.

## **3. DEFINITION**

Sexual Harassment is prohibited under the Equality Act 2010 and relates to any unwanted conduct of a sexual nature, which has the purpose, or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Where sexual conduct may have previously been accepted or welcomed, it should be noted that it may, at any point become unwanted and unwelcomed. It also covers treating someone less favourably because they have submitted to or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex.

Sexual harassment does not need to take place in person, it can occur via digital means including social media sites or channels. A single one-off incident or a series of incidents may amount to sexual harassment and the effect of such behaviour and whether it is unwanted should be considered from the point of view of the person who feels harassed (the 'recipient').

Someone may be sexually harassed even if they were not the target, examples of sexual harassment may include but not limited to:

- Sexual comments, jokes, banter, pranks, mimicry, insults, gas lighting,
- Displaying sexually graphic pictures, posters, photos or screen savers
- Suggestive looks, staring or leering, whistling
- Propositions and sexual advances, unwanted compliments or excessive flirting
- Making promises in return for sexual favours
- Sexual gestures, predatory behaviour, repeated and unwanted social invitations for dates or physical intimacy
- Intrusive questions about a person's private or sex life or a person discussing their own sex life

- Sexual posts or contact in online communications including social media
- Spreading sexual rumours
- Sending sexually explicit emails, text messages or messages via other social media
- Unwelcome touching, hugging, massaging or kissing, standing too close or excessively lengthy handshakes
- Unwelcome excessively personal comments, questions or actions relating to protected characteristics, for example sex, sexual orientation and gender reassignment

Anyone can be a victim of sexual harassment regardless of their sex, sexual orientation or gender identity or that of the harasser.

Sexual harassment is unacceptable and may still be considered and addressed under this policy even if it does not fall within any of the defined categories above.

### **3.1 Circumstances which are covered**

This policy covers behaviour which occurs in the following situations:

- A work situation, including in the home whilst working from home, on a commute or at/ when travelling to a work location which is not their place of work if they are there for any reason related to their work
- A situation occurring outside of the normal workplace or normal working hours which is related to work for example, a working lunch, a work trip, training session, conference or social function
- Outside of a work situation but involving a colleague or other person connected to the employer including social media channels
- Against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

### **3.2 What to do if the alleged perpetrator is not an employee**

The sexual harassment of staff will not be tolerated, whether caused by those that work here, governors/trustees or third parties including customers, suppliers, clients or visitors to our premises. Any incident should be reported regardless of who the alleged perpetrator is. Support will be provided as required and as appropriate.

Appendix 1 provides details a number of options of support available to employees.

## **4. RESPONSIBILITIES**

### **4.1 The Governing Body/ Head teacher /Line managers**

All those with line management responsibility must ensure all workers are treated with dignity and respect, are aware of this policy and understand their own and the employers responsibilities. In order to discharge this duty they must:

- Provide appropriate and regular training for all governors/trustees and employees
- Always challenge any unacceptable or questionable behaviour they become aware of, even if not directly affected
- Be aware of language and behaviour that can cause offense and if necessary, remind colleagues of the expected standards
- Respond to all complaints of sexual harassment swiftly, sensitively and objectively
- Through investigation address complaints proportionately, in the case of third-party perpetrators this may involve withdrawing services, terminating contracts or banning them from the premises
- Maintain and review a sexual harassment in the workplace risk assessment, that should be reviewed following any concerns raised

## **4.2 All members of the school workforce**

All staff have a duty to create a safe working environment where sexual harassment is not tolerated, in order to discharge their duty they must:

- Ensure they understand what sexual harassment is
- Be aware of how their behaviour may affect others
- Challenge unacceptable behaviour, as long as it is safe to do so this may include calling out unacceptable behaviour, taking steps to defuse the situation/ redirect, checking in with the recipient after the event or assuring them that what had occurred was not acceptable.
- Report incidents of sexual harassment if witnessed or support recipients in reporting it
- Co-operate in any investigations

## **5. WHAT TO DO IF YOU ARE SUBJECT TO SEXUAL HARASSMENT**

It is important that any concerns are reported as you may be the first to formally raise something that has been occurring for some time. It may be appropriate to try and resolve a concern in an informal manner and/or you may wish for a concern to be noted but do not feel a formal process is the best course of action. In these circumstances Appendix 2 – No Further Action form should be completed. The school retains the right to investigate concerns that they are aware of even if these are based on anonymous reporting or where complaints are withdrawn. We will act with care, respect and empathy where the complainant has raised a concern but no longer wishes to be involved in the process. As the employer, we may still pursue matters if it is proportionate to do so, to ensure we can tackle concerns of sexual harassment.

All employees shall be protected from intimidation, victimisation or discrimination for making a complaint of sexual harassment or for assisting in an investigation. Retaliating against an employee for complaining about or assisting in an investigation of sexual harassment is a disciplinary offence.

### **5.1 Informal**

The school recognise that complaints of sexual harassment can be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through the normal grievance procedure. In these circumstances, you are encouraged to raise such issues with a senior colleague of your choice as a confidential helper. This person would not be permitted to act as an investigating officer if the matter becomes a formal complaint.

If you feel able to do so, you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask them to stop. This may be verbally communicated or in writing, (your confidential helper may assist you).

In addition, you may wish to raise the issue with your line manager during regular communication or 1-2-1. The line manager will listen and take concerns seriously; they may also encourage the employee to follow the reporting procedure below. If the employee does not wish to take the matter further, the manager will maintain regular contact with the employee to check that the situation has improved.

When this informal process has taken place, it is important that these complaints are logged using Appendix 2 – No further action form and this must be retained by the employer.

Whilst the wishes of the complainant will be adhered to whenever possible, there may be circumstances where the harassment is of such serious nature that the school will need to take action due to an immediate high risk to the safety of the complainant or others. The school will take action such as commencing a formal investigation and may consider suspension to prevent further harassment or victimisation of the complainant. The complainant will not be suspended but may, at their request, be redeployed or placed on compassionate leave whilst the complaint is dealt with. It may be appropriate for the perpetrator to be suspended or redeployed.

## 5.2 Formal

Where the informal approach fails or the issue is of such concern that the employee believes matters should be dealt with formally, it should be brought to the attention of the Head teacher. In instances where the Head teacher is the perpetrator or complainant, concerns should be raised to the Chair of Governors) in writing. Formal complaints will be dealt with in accordance with the school's Grievance policy. If the grievance is upheld the perpetrator may be advised the matter will be progressed under the Disciplinary policy.

If possible, the complainant should keep notes of what has happened so that the written complaint can include:

- The name of the alleged harasser
- The nature of the alleged harassment/ behaviour
- Dates and times when the alleged harassment has occurred
- Names of any witnesses
- Any action already taken to stop the alleged harassment
- What outcome they are seeking

Language used when discussing sexual harassment is important. We recognise this is a sensitive subject and individuals may have different reactions to certain terms and terminology. Whilst this policy refers to 'complainant' and 'alleged perpetrator' during any investigation sensitivity will be applied and we will seek to use neutral terms such as individual names, initials or 'employee A' for example. If at any time there are concerns about the language used this should be brought to the attention of the investigating officer so that agreed language can be used going forward.

Sexual harassment is a work-related hazard and is subject to the "Management of Health and Safety at work Regulations 1999", therefore risk assessments are required for any staff member or pupil who is a potential sexual harassment risk. These must be reviewed and updated regularly. It is the responsibility of school management/employers to minimise this risk and, after any incident take steps to prevent any reoccurrence.

## 5.3 Police involvement

If sexual harassment constitutes a criminal offence, such as sexual assault, indecent exposure, stalking and/ or offensive communications, the investigating officer can provide support if the claimant wishes to report the matter to the police. In such cases we will liaise with the police regarding any investigation and linked grievance/ disciplinary process, taking advice as necessary to ensure a fair process is carried out which does not impact on any ongoing police investigation. The complainant does not have to wait for internal processes to have been concluded before reporting a criminal offence.

## 5.4 Anonymous reports

No direct action can be taken against any individual perpetrator of sexual harassment in response to an anonymous report, but the data generated from such reports will be gathered and stored in compliance with data protection legislation. This can be important in revealing a pattern of behaviour. High-level data will be reviewed periodically with a view to taking appropriate steps to prevent sexual harassment.

## 6. NOTES

If you need further assistance with this document, please refer to your Head teacher or HR Services.

Action initiated under one procedure may be changed to an alternative policy if investigation of the circumstances indicates this would be more appropriate.

In applying this procedure, the school will pay due regard to providing reasonable adjustments under current equalities legislation to an employee who has a disability.

## **6.1 Support for those affected by sexual harassment**

The school recognise that sexual harassment can cause stress, anxiety or other mental health as well as physical health problems. There will be no discrimination against individuals suffering from conditions results from sexual harassment.

We also recognised that those who may be accused of sexual harassment, witness incidents or otherwise affected as by being a by-stander can also experience stress, anxiety or physical health problems. We acknowledge a duty of care to all employees in these circumstances and will offer appropriate support to any employee affected by these issues.

Appendix 1 provides details of support that is available as well as any other support the school feel is appropriate to offer.

## **7. COMPLIANCE**

Failure to follow this policy may impact on good employee relations and the reputation of the school and governing board as a good employer. In addition, it may result in the school and governing body breaching employment legislation, incurring financial penalties and / or damage to its reputation.

School leaders/managers have a duty to ensure that relevant concerns are managed appropriately, and in line with this policy. An individual is protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken.

## **8. IMPACT ON THE SCHOOL'S PRIORITIES**

The policy provides clear statements about governor, Head teacher and employee responsibilities to ensure that the conduct of all school employees is of a high standard. This process supports schools in delivering excellent teaching and learning and enables the governing body to effectively meet its key school priorities.

## **9. TRAINING AND AWARENESS REQUIREMENTS**

Head teachers, employees, governors/trustees will be informed about this policy and procedure via appropriate communication channels. All employees must attend relevant sexual harassment training. Governors/trustees will also be required to undertake relevant training.

## **10. MONITORING**

The Director of Education, Skills and Learning is responsible for ensuring the review of this policy and procedure for LA schools.

The governing body is responsible for adopting and implementing this policy and procedure.

HR Services will be notified of any cases in community and voluntary controlled schools where it is concluded that the policy was breached. The notification will indicate whether there are any changes or improvements required to the policy, procedure, training, support or any other aspect of the school's approach to matters of sexual harassment.

## **11. REVIEW**

This document will be reviewed after the first 12 months and thereafter every three years unless circumstances demand a review before then, in consultation with trade unions.

Schools will anonymously collect statistics and data regarding the use of this policy, the number of incidents, how they are dealt with and any recommendations made on an annual basis, to ensure it is an effective policy.

## 12. DOCUMENT CLASSIFICATION

### Version Log

Version	Status	Date	Description of change	Reason for change	Pages affected
1.0	Draft	12/11/2024	New policy	New legislation	All
1.1	Draft	05/03/2025	Appendices added	New legislation	9,10,11,12
1.2	Final	July 2025	Union comments included		

### Consultation Log

<i>Date sent for consultation</i>	<i>Consultees</i>
October 2024 and February 2025	<p><u>Herefordshire Council</u> Liz Farr - Service Director, Education, Skills and Learning</p> <p><u>Schools/Academies</u> Rachel Ussher – Head teacher – Ledbury Primary School Paul Jennings – Head teacher - Fairfield High School Helen Rees – Head teacher – Leominster Primary School Bev Blower – Executive Head - The Herefordshire PRU Tom Williams – Head teacher – The Bishop of Hereford’s Bluecoat School Lyndsey Manning – Head teacher Trinity Primary School Steven Kendrick – Ashfield Park Primary School Tracey Kneale – CEO &amp; Executive Head teacher, Fern Academy Trust Nikki Gilbert, Head teacher, Westfield Special School Alex Davies, CEO Orchard MAT</p> <p><u>Hoople Ltd (HR Services)</u> Julie Davies - HR Services Manager Julie Bridgewater- Senior HR Business Partner</p> <p><u>Trade Unions</u> Chris Lewandowski (NASUWT) Julie Turner (NASUWT) Paul Deneen (NEU) Ian Taylor (NAHT) Carol Rushton/Louise Hatswell (ASCL) Rachael Lynch (Community TU) Elaine King (GMB) David Stevens/Helen Astley (UNISON)</p>

## APPENDIX 1 – FURTHER INFORMATION AND SUPPORT SERVICES

To help you understand your rights and options, employers and employees affected by sexual harassment at work can:

- Contact ACAS
- Obtain legal advice
- Talk to your Trade Union Representative
- Access the Equality Advisory & Support Service (EASS) 0808 800 0082
- Protect Confidential advice for employees who have witnessed wrongdoing in their workplace but are unsure how to raise their concerns 020 3117 2520
- Samaritans
- LGBT Foundation

If you have been subject to sexual assault or rape, you can get help and information from:

- Galop – LGBT and sexual violence support [here](#)
- NHS [here](#)
- West Mercia Rape and Sexual abuse support centre [here](#)
- The Survivors Trust [here](#)
- Survivors UK (male rape and sexual abuse support) [here](#)
- Victim support [here](#)

**Additional reading for employers include** [Sexual harassment and harassment at work: technical guidance | EHRC](#)

**APPENDIX 2 – NO FURTHER ACTION COMPLAINT FORM**

This form should be completed by the line manager where an employee raises a complaint of sexual harassment but asks the employer to not take the matter further.

Name of employee raising concern and job role	
Date of incident	
Name and job role of alleged harasser	
Details of concern raised	
Date of discussion with employee to raise importance of addressing concerns	
Details of why employee does not want concerns addressed	
Assessment (where possible the wishes of the employee should be respected, however, there may be circumstances where the risk of not taking action outweighs the risk from overriding the employee's wishes)	Have you considered and exhausted all other possible options?
	What will the impact be of overriding the employee's wishes on them?
	What are the potential risks to the employee, their colleagues and to other third parties if you do not take further action
	Have other complaints been made against the same person?
	What is the likelihood of the matter being resolved without any intervention?
	Outcome from assessment :

Name :	
Job Title :	
Date :	

### APPENDIX 3 – CHECKLIST

- Policy up to date and ratified by Governing Board
- Ensure all staff are aware of where to find the policy, remind staff at certain points e.g. prior to Christmas/ social events
- Talk to staff during 1-2-1's, appraisals to ensure they know how to report any sexual harassment and also to understand any potential issues in your organisation
- Carry out a risk assessment, to include risks posed by third parties (customers, clients, suppliers, public)
- Implement reasonable steps identified in the risk assessment, create an action and responsibilities log further information can be found on the EHRC website [here](#)
- Ensure all staff are aware of your reporting procedure, how to recognise sexual harassment and what to do if they experience it
- Train all staff on sexual harassment and what is considered to be unacceptable behaviour, what to do if they witness or experience sexual harassment. Managers should receive specific training on how to deal with any complaints of sexual harassment. Keep a training record log.
- Regularly review and update training: carry out refresher training periodically
- Deal with complaints: take immediate action to resolve complaints of sexual harassment, protect the complainant and any witnesses from further harassment or victimisation during any investigation period
- Support: signpost workers to organisations where they can seek support and advice including any employee assistance programmes
- Keep confidential records: maintain records of both formal and informal complaints in order to identify themes and trends. Your records may also inform if your steps taken are effective or if changes are required.
- Take step to deal with third party harassment: Implement reasonable steps identified in the risk assessment
- Review effectiveness of steps taken: Continually monitor and evaluate the effectiveness of steps taken by for example, reviewing records to assess themes, trends, seek feedback from staff via staff surveys and then act on this information to make necessary changes.