



## **POLICY AND PROCEDURE:**

# **PREVENTION OF SEXUAL HARASSMENT POLICY – All Staff**

### **Related policies**

These policies are supported by the following other policies and procedures:

- Equality, diversity and inclusion policy statement
- Staff equality, diversity and inclusion Policy
- Anti-harassment and bullying policy
- Grievance procedure
- Disciplinary procedure
- Flexible working policy
- Maternity, paternity, adoption and shared parental leave policies
- Parental leave policy
- Homeworking policy

## **Policy statement**

The school is committed to providing a working environment free from sexual harassment and ensuring all staff are treated, and treat others, with dignity and respect.

Sexual harassment 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. The school will take proactive steps to prevent the sexual harassment of all staff. Anyone who is a victim of, or witness to, sexual harassment is encouraged to report it in accordance with this policy. Sexual harassment constitutes a breach of our staff code of conduct and may result in disciplinary action up to and including dismissal.

## **About this policy**

The purpose of this policy is to set out a framework for line managers to deal with sexual harassment that occurs by staff (which may include consultants, contractors and agency workers) and also by third parties such as parents, suppliers or visitors to our premises. It should be read in conjunction with our Anti-Harassment and Bullying Policy but is intended to address, specifically, the issue of sexual harassment.

The policy covers sexual harassment which occurs at work and out of the workplace, such as on school trips or at work-related events or social functions, or on social media.

This policy does not form part of any contract of employment, and the school may amend it at any time.

## **Who does this policy apply to?**

This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers or other third parties working at the school.

## **What is sexual harassment?**

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.

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.

Sexual harassment can happen in person. It can also happen online, for example in meetings, email, social media or messaging tools.

Sexual harassment may include, for example:

- unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing
- continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome

- 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)
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless) or
- offensive emails, text messages or social media content
- making sexual remarks about someone's body, clothing or appearance
- asking questions about someone's sex life
- telling sexually offensive jokes
- making sexual comments or jokes about someone's sexual orientation or gender reassignment

Sexual harassment can happen to men, women and people of any sexual orientation. It can be carried out by anyone of the same sex, another sex or anyone of any sexual orientation.

A person may be sexually harassed even if they were not the intended target.

Sexual harassment is unlawful, will not be tolerated and may lead to disciplinary action up to and including dismissal.

### **Third-party sexual harassment**

Third-party sexual harassment occurs where a person is 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 sexual harassment could include, for example, unwelcome sexual advances from a supplier visiting the school's premises.

Third-party sexual harassment can result in legal liability and will not be tolerated. All staff are encouraged to report any third-party sexual harassment they are a victim of, or witness, in accordance with this policy.

If any third-party sexual harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. These steps may include warning the harasser about their behaviour, banning them from our premises and reporting any criminal acts to the police.

Any sexual harassment by a member of staff against a third party may lead to disciplinary action up to and including dismissal.

### **Preventative steps**

The school is committed to taking proactive steps to prevent the sexual harassment of our staff. These steps include:

- carrying out a risk assessment to identify and mitigate risks associated with sexual harassment
- running training for all staff on what constitutes harassment and what to do if staff witness or experience harassment
- ensuring existing policies cover harassment and sexual harassment effectively
- clearly communicating sexual harassment policies and procedures to staff and reviewing the effectiveness of the policies and procedures at least annually

- ensuring appropriate support and training (where appropriate) is available to staff following a complaint
- providing specialised training to support managers tasked with investigating harassment and sexual harassment
- implementing various reporting mechanisms e.g. conducting regular 1-1s and exit interviews
- responding in a timely fashion to complaints and learning from any issues identified
- ensuring effective complaints handling processes are in place to encourage staff to complain when they experience or witness sexual harassment.

## **If a staff member is being sexually harassed**

### **Informal steps**

If a staff member is being sexually harassed, they should consider whether they feel able to raise the problem informally with the person responsible. If they feel comfortable doing so, they should explain clearly to them that their behaviour is not welcome or makes them uncomfortable. The school recognises, however, that this may be difficult or inappropriate depending on the circumstances. If this is the case, or raising the problem with the person responsible has not resolved the issue, the staff member may speak to their line manager, who can provide confidential advice and assistance in resolving the issue formally or informally.

If the staff member feels unable to speak to their line manager because the complaint concerns them, they may speak informally to a more senior colleague, the head of department or the head of HR.

If a staff member is not certain whether an incident or series of incidents amounts to sexual harassment, they should initially contact the HR Department informally for confidential advice.

### **Raising a formal complaint**

If informal steps are not appropriate, or have not been successful, the staff member should raise the matter formally under the school's grievance procedure, which is available on the staff policy portal or from HR. The matter will then be dealt with as a formal grievance in line with the school's grievance procedure.

If, following the conclusion of the grievance process, the school considers a staff member has been sexually harassed by an employee, the matter will be dealt with under the disciplinary procedure as a case of possible misconduct or gross misconduct. If the alleged perpetrator is a third party such as a parent or visitor, the school will consider what action would be appropriate to deal with the problem. Whether or not the complaint is upheld, the school will consider how best to manage any ongoing working relationship between the complainant and the person concerned.

As a general principle, the decision whether to progress a formal complaint is up the member of staff. However, the school has a duty to protect all staff and may pursue the matter independently if, in all the circumstances, it considers it appropriate to do so.

## **Witnesses of sexual harassment**

Staff who witness sexual harassment are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

- Intervening where they feel able to do so
- Supporting the victim to report it or reporting it on their behalf
- Reporting the incident where they feel there may be a continuing risk if they do not report it
- Co-operating in any investigation into the incident.

All witnesses will be provided with appropriate support and will be protected from victimisation.

## **Protection and support for those involved**

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 the school's Disciplinary Procedure.

If a staff member believes they have suffered any such treatment they should inform their line manager or head of HR. If the matter is not remedied, they should raise it formally using the grievance procedure.

The school will monitor the treatment and outcomes of any complaints of sexual harassment it receives to ensure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, and workforce training is targeted where needed.

Support and guidance can also be obtained from the following external services:

- Counselling through the school's employee assistance programme (EAP) on 0117 933 0687
- The Equality Advisory and Support Service ([www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com))
- Protect ([www.protect-advice.org.uk](http://www.protect-advice.org.uk))
- Victim support ([www.victimsupport.org.uk](http://www.victimsupport.org.uk)).

## **Confidentiality and record-keeping**

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 the Disciplinary Procedure.

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 the school's data protection policy and staff privacy notice.