



**SOLIHULL**

# **Prevention of Sexual Harassment Policy**

**Owner:** Head of HR

**Reviewer:** Bursar

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**Version 2**

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.

Sexual harassment by and / or to a 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 all reasonable and 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 that has occurred or is likely to occur can be a protected disclosure for whistleblowing purposes where the statutory public interest test is met.

Sexual harassment constitutes a breach of our Staff Behaviour and Code of Conduct Policy and will 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, contractors, suppliers, governors, parent/carers, pupils, volunteers, visitors or another professional working in the school.

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

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

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

### **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 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 sexual material or sexualised messages or images (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
- comments about body or appearance or intrusive questions about someone's sex life;
- sexual comments, jokes, unwanted sexual advances, gestures or suggestive behaviour (which the harasser may perceive as harmless);

- offensive emails, text messages or social media content; or
- Behaviour at work related social events or online harassment.

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**

We are committed to taking proactive steps to prevent the sexual harassment of our staff.

These steps include:

- Developing a risk assessment to identify and mitigate against sexual harassment of our staff, which will be reviewed at least annually.
- Producing this policy on the Prevention of Sexual Harassment, and communicating its importance to staff, including all new starters who join the school.
- Providing training to all staff to increase awareness of sexual harassment.
- Ensuring written communication explicitly refers to the school having a zero-tolerance approach towards sexual harassment, including external hirers' agreements and parental contracts, as well as when visitors sign into the school.
- Surveying staff in relation to the prevalence of sexual harassment in the workplace and reviewing the results with a commitment to take proactive action where sexual harassment is identified.

### **If you are being sexually harassed: informal steps**

If you are being sexually harassed, consider whether you feel able to raise the problem informally with the person responsible. If you feel comfortable doing so, you should explain

clearly to them that their behaviour is not welcome or makes you uncomfortable. We recognise, 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, 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 may speak informally to a more senior colleague, your Head of Department or the HR Department.

If you are not certain whether an incident or series of incidents amounts to sexual harassment, you should initially contact your line manager or the HR Department informally for confidential advice.

### **Raising a formal complaint**

If informal steps are not appropriate, or have not been successful, you should raise the matter formally under our Grievance Procedure. The matter will then be dealt with as a formal grievance in line with our Grievance Procedure.

If, following the conclusion of the grievance process, we consider you have been sexually harassed by an employee the matter will be dealt with under our Disciplinary Procedure as a case of possible misconduct or gross misconduct.

If the alleged perpetrator is a third party such as a contractor, supplier, governor, parent/carer, pupil, volunteer, visitor or another professional working in the school, we will consider what action would be appropriate to deal with the problem. Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned.

As a general principle, the decision whether to progress a formal 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.

### **If you witness 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 you feel able to do so
- Supporting the victim to report it or reporting it on their behalf
- Reporting the incident where you feel there may be a continuing risk if you 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 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.

If you believe you have suffered any such treatment you should inform the HR Department. If the matter is not remedied, you should raise it formally using our Grievance Procedure.

We will monitor the treatment and outcomes of any complaints of sexual harassment we receive 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.

We offer access to confidential counselling via the Employee Assistance Programme, which is available on request for anyone affected by, or accused of, sexual harassment.

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

- 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 our 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 our Staff Privacy Notice.

Staff members should read this policy in conjunction with other policies including the Anti-Harassment and Bullying Policy, Grievance Procedure, Disciplinary Procedure, Complaints Procedure, Public Interest Disclosure (Whistleblowing) Policy, Safeguarding and Child Protection Policy, Staff Behaviour and Code of Conduct and Social Media and Social Networking Policy.

### **Examples:**

Please find below some examples of scenarios which could be considered as sexual harassment.

#### Scenario 1: Staff Christmas Party

A member of staff feels that they have been sexually harassed at the staff Christmas party because a colleague, who has been drinking alcohol, has made unwelcome sexual advances towards them.

#### Scenario 2: Off-site residential trip involving external instructors

A member of staff feels that they have been sexually harassed on a school trip because one of the external instructors has made it clear that they are attracted to them and has arranged for them to be working as the only adults together on an activity so that they can be alone.

#### Scenario 3: Sexual Harassment by a Parent

A member of staff feels that they have been sexually harassed by a parent because they have made a comment about how their child's performance at school is affected by them being taught by an 'attractive' teacher.

Scenario 4: Online communications

A member of staff feels that they have witnessed sexual harassment by colleagues in an online group chat, because other colleagues are making sexualised comments about another colleague in their department.

Scenario 5: Online communications 2

A member of staff has swapped telephone numbers with a colleague who they attended a trip with. The colleague has kept their telephone number and is now sending unwelcome sexual advances towards the staff member, which is making them feel uncomfortable. As a result, the member of staff feels that they are being sexually harassed.