

SEXUAL HARASSMENT

Learning Academies Trust

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CHANGES

Policy date	Summary of change	Author	Version	Review date
26/10/2024	Policy has been created.	Amy Bosworth HR Lead and Business Partner	1.0	26/10/2028

1. INTRODUCTION

All members of staff are entitled to be treated with dignity and respect in our place of work. This means freedom from sexual harassment, feeling safe and supported and having access to redress if such behaviour does arise.

Sexual harassment takes many forms, but whatever form it takes it is unlawful under the Equality Act 2010 as amended. As a Trust, we will not tolerate it.

The law requires employers to take reasonable steps to prevent sexual harassment of their workers. We take action to prevent sexual harassment from occurring and have clear reporting procedures for our staff to make a complaint about sexual harassment. If you have been sexually harassed, or you have witnessed sexual harassment, we encourage you to tell us so that we can deal with the matter swiftly.

The Chief Executive Officer has overall responsibility for the operation of this policy but may delegate elements of implementation or decision-making to Headteachers / Team Leads. Our managers will maintain an open-door policy and we encourage all staff to come forward with any concerns in relation to sexual harassment. All our staff have a responsibility to behave in line with the requirements of this policy.

Instances of sexual harassment or victimisation may lead to disciplinary action up to, and including, termination of employment.

This policy is reviewed regularly to ensure it remains up to date and in order to monitor its effectiveness. Any changes required will be implemented and communicated to our workforce.

2. SCOPE

We deplore all forms of sexual harassment and seek to ensure that the working environment is safe and supportive to all those who work for us. This includes employees, workers, agency workers, volunteers and contractors in all areas of our organisation.

3. DEFINITIONS

Sexual harassment is 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. It also covers treating someone less favourably because they have been submitted to, or refused to submit to, unwanted conduct of a sexual nature or in relation to gender reassignment or sex.

Sexual harassment may be committed by a fellow employee, an agent of an organisation, or a third party. It does not need to occur in person. It can occur via digital means, including social media sites or channels (e.g. WhatsApp). Someone may be sexually harassed even if they were not the target of the behaviour.

Examples of sexual harassment include:

- Sexual comments or jokes, which may be referred to as “banter”
- Displaying sexually graphic pictures, posters or photos
- Suggestive looks, staring or leering
- Propositions and sexual advances
- Making promises in return for sexual favours
- Sexual gestures
- 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 on social media
- Spreading sexual rumours about a person
- Sending sexually explicit emails, text messages or messages via other social media
- Unwelcome touching, hugging, massaging or kissing

This list is not exhaustive.

Victimisation is subjecting someone to detriment because they have done, are suspected of doing, or intend to do, an act which is protected under discrimination and harassment laws. These are outlined below. It is not necessary for the person to have done the protected act in order for detrimental treatment to be considered as victimisation.

The protected acts are:

- Making a claim or complaint under the Equality Act 2010 (e.g. for discrimination or harassment)
- Helping someone else to make a claim by giving evidence or information in connection with proceedings under the Equality Act 2010
- Making an allegation that someone has breached the Equality Act 2010
- Doing anything else in connection with the Equality Act 2010.

Examples of victimisation may include:

- Failing to consider someone for promotion because they have previously made a sexual harassment complaint
- Dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint
- Excluding someone from work meetings because they gave evidence as a witness for another employee as part of an employment tribunal claim about harassment.

4. CIRCUMSTANCES WHICH ARE COVERED

This policy covers behaviour which occurs in the following situations:

- A work situation
- A situation occurring outside of the normal workplace or normal working hours which is related to work, e.g. a working lunch, a business trip or social functions
- Outside of a work situation but involving a colleague or other person connected to the organisation, including on social media
- Against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

5. WHAT TO DO IF YOU ARE SUBJECT TO SEXUAL HARASSMENT OR VICTIMISATION

We are committed to ensuring that there is no sexual harassment or victimisation in our workplace. Every allegation of sexual harassment and victimisation will be considered on an individual basis and in accordance with the principles within this policy. Substantiated allegations of sexual harassment and victimisation will be treated as a disciplinary matter, a copy of which is available from www.learningat.uk/key-information/policies.

6. INFORMAL PROCEDURE

We recognise that complaints of sexual harassment or victimisation can be of a sensitive or intimate nature; you may wish to confide in a trusted colleague who can support you during this conversation.

If you do not feel comfortable raising the matter with a member of the Senior Leadership Team, please report your concern to a member of the HR Team or utilise one of the Trust's confidential reporting methods (Appendix 1).

6.1 Informal Resolution

Employees are encouraged to approach their Line Manager / Headteacher in the first instance to discuss concerns and attempt to informally resolve them. Informal discussion can frequently solve problems without the need for a formal process.

If an employee is dissatisfied with the outcome, or if the concern is deemed sufficiently serious that informal action is not suitable, the formal grievance procedure will be initiated.

In the event of an informal concern being about the Headteacher/CEO, the employee is advised to discuss the concerns with the Chair of Governors/Chair to Trust Board who will attempt to resolve them.

Matters to consider when approached informally by an aggrieved employee;

- Ask relevant questions that will assist in understanding the employee's concern/s and what outcome/s they are seeking
- Reassure the employee that the concern will remain confidential
- Consider who you may need to speak with, to resolve the concern
- Endeavour to find a suitable outcome at the earliest opportunity

- Make summary notes of all conversations, outlining the concerns discussed and the outcomes from the meeting, including any recommendations. Detail how the grievance was resolved, and provide a copy to all relevant parties

If the aggrieved employee feels their grievance has not been satisfactorily resolved through informal discussions, the matter will be moved into the formal procedure.

All concerns will be listened to and treated seriously; you may be encouraged to report your concern as a formal complaint following the reporting procedures as set out below.

7. FORMAL PROCEDURE

7.1 Step 1: Statement of Grievance

To raise a formal grievance an employee should submit a written statement to their Line Manager/Headteacher. Where the grievance relates to the Headteacher/CEO, the written statement should be sent to the Chair of Governors/Chair to Trust Board.

The Line Manager/Headteacher will acknowledge the grievance in writing within 5 working days and will arrange a meeting with the employee at the earliest opportunity.

On receipt of a formal complaint, we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.

Alternatively, you can report instances of sexual harassment by emailing hr@learningat.uk or by visiting <https://forms.office.com/e/scBNeF8Wr4>. (Appendix 1) Our online means of reporting sexual harassment are continually monitored, and you will be contacted within 5 working days.

7.2 Step 2: Formal Meeting

A meeting will be arranged between the Line Manager / Headteacher and the employee. The meeting will be held to discuss the grievance in detail and the employee should take any documents or evidence they have regarding the grievance to the meeting. The employee may be accompanied by a colleague or trade union official, and a minute taker will also be present. A member of the Trust HR team may also be invited to support for advice.

7.3 Step 3: Investigation

The Line Manager / Headteacher will appoint an Investigating Officer and provide clear terms of reference for the investigation.

The Investigating Officer will complete a full investigation into the matter. This may involve holding investigation meetings with witnesses, requiring witness statements to be produced and reviewing written evidence. On completion of the investigation the Investigating Officer will compile a written report summarising their findings. A decision will then be taken by the Line Manager / Headteacher following the investigation and a feedback meeting will be arranged with the employee to discuss the findings. An outcome letter will be sent to the employee following the meeting. The employee will be informed of actions to take if they wish to appeal the outcome.

Minutes of the meeting will be taken, and copies will be made available to the employee. A copy of the minutes will be stored by the HR department

7.4 Potential outcomes

- The grievance is upheld, or partially upheld, and the Line Manager / Headteacher seeks to provide a resolution
- The grievance is not upheld

If the grievance involved other employees in the Trust and it was upheld, the employer may need to refer to the Trust's [disciplinary procedure](#).

Regardless of the outcome, we are committed to providing the support you may need. This may involve mediation between you and the other party or some other measure to manage the ongoing working relationship. You will not be victimised for having brought a complaint.

7.5 Appeal

An employee who wishes to appeal must formally write to relevant Director of Education confirming their grounds for appeal. This must be submitted within 5 working days of the grievance outcome.

An appeal panel will be arranged between the Director of Education and the employee. The hearing will be held to discuss the grounds of the appeal in more detail. A decision will be made following the hearing and the employee will be informed in writing with 5 working days.

The Appeal process is the final stage of the Trust Grievance procedure.

8. WHAT TO DO IF YOU WITNESS SEXUAL HARASSMENT OR VICTIMISATION

If you witness sexual harassment or victimisation, you are encouraged to take appropriate action to address it. You should not take any action that may put you at risk of sexual harassment or other harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support to the person who has been sexually harassed and encouraging them to report the incident or reporting the incident yourself.

If reporting the incident, you should bring the matter to the attention of the Headteacher or Team Lead in writing. Alternatively, you can report instances of sexual harassment by emailing hr@learningat.uk or by visiting <https://forms.office.com/e/scBNeF8Wr4>. Our online means of reporting sexual harassment are continually monitored.

Your concerns will be handled by the Headteacher or Team Lead who will sensitively talk to the person subject to sexual harassment to determine how they want the matter to be handled.

9. THIRD-PARTY SEXUAL HARASSMENT

Third-party sexual harassment occurs when a member of our workforce is subjected to sexual harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes parents, contractors, suppliers, members of the public, friends and family of colleagues.

Third-party sexual harassment of our workforce is unlawful and will not be tolerated. The law requires employers to take steps to prevent sexual harassment by third parties and we are committed to doing so.

The law does not provide a mechanism for individuals to bring a claim of third-party harassment alone. However, failure for an employer to take reasonable steps to prevent third-party sexual harassment may result in legal liability in other types of claims.

In order to prevent third-party sexual harassment from occurring, we will:

- Attach signage to the reception area within the workplace where third parties are present to warn that any form of harassment towards our staff is not acceptable and will not be tolerated
- Inform third parties of our zero-tolerance sexual harassment policy within our sign in statement

If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to the Headteacher or Team Lead. Alternatively, you can report instances of third-party sexual harassment by emailing hr@learningat.uk or by visiting <https://forms.office.com/e/scBNeF8Wr4>.

Should a third-party sexually harass a member of our workforce, we will warn the third-party about their behaviour, liaise with the manager of the third-party organisation, ban the third-party from the school site and share information relating to the incident with our other schools. Any criminal acts will be reported to the police.

We will not tolerate sexual harassment by any member of our workforce against a third party. Instances of sexual harassment of this kind may lead to disciplinary action, including termination of employment.

10. EXTENDING THE TIMESCALES UNDER THE PROCEDURE

The timescales outlined in this procedure will be adhered to whenever this is reasonably practicable. There may be extenuating circumstances that are outside of either parties' control, for example, where a key witness is unavailable, or the grievance requires extensive investigation.

Where it is not reasonably practicable to adhere to the deadlines, both parties will discuss and agree any extension to the timelines.

11. DISCIPLINARY ACTION

If the decision is that the allegation of sexual harassment or victimisation is substantiated, the harasser/victimiser will be liable to disciplinary action in accordance with our disciplinary procedure up to, and including, summary dismissal. An employee who receives a formal warning or who is dismissed for sexual harassment/victimisation may appeal by using our disciplinary appeal procedure.

When deciding on the level of disciplinary sanction to be applied, we will take into consideration any aggravating factors affecting the case. One example of aggravating factors is an abuse of power over a more junior colleague.

12. PROTECTION AGAINST RETALIATION

Employees raising a sexual harassment allegation are protected from retaliation, harassment, or victimisation by the Trust. Any employee found to be retaliating against an individual who has raised a grievance may be subject to disciplinary action.

13. MALICIOUS ALLEGATIONS

Employees raising or responding to a sexual harassment allegation will have a duty to act honestly and without malice. Misuse of this policy for the purpose of making a false complaint, with or without malicious intent, will be dealt with in accordance with the Trust's disciplinary policy.

14. TRAINING

We provide training to all our staff on sexual harassment to ensure there is a clear understanding of:

- What sexual harassment is, how it may occur and that it will not be tolerated
- Expected levels of behaviour
- How they can report any incidents of having been sexually harassed or having witnessed it
- How substantiated acts of harassment will be dealt with under the disciplinary policy, which can potentially result in dismissal.

We ensure that all levels of management are trained on implementing this policy, including preventing and managing sexual harassment in the workplace and the procedure to follow if an allegation is reported.

We will regularly review the effectiveness of our training.

We provide refresher training as appropriate. Please contact the HR Team if you require further training.

15. ADDITIONAL SUPPORT

We would like to remind staff that further support is available by contacting Simply Counselling, a confidential counselling service, which can be accessed by calling 07568323363 or emailing simplycounsellingcic@gmail.com.

If you require specialist advice or support, there are organisations that can help you.

- www.victimsupport.org.uk
- www.samaritans.org
- www.suzyplugh.org - practical support and personal safety advice
- Or report to the police by phoning 101 or 999

16. FURTHER GUIDANCE

If you would like further guidance or clarification on anything in this policy, please contact the HR Team hr@learningat.uk.

17. POLICY REVIEW

The Sexual Harassment Policy will be reviewed periodically to ensure its effectiveness and relevance. Updates may be made to comply with changes in employment law, organisational changes, or feedback from employees.

APPENDICES

APPENDIX 1: TEMPLATE FOR REPORTING INCIDENTS

Incident Report Form

Your Name:

Date of Incident:

Time of Incident:

Location of Incident:

Description of Incident:

Names of Involved Parties:

Witnesses (if any):

Additional Information:

Please submit this form to hr@learningat.uk or post it to Learning Academies Trust HR Team, Salisbury Road, St Judes, Plymouth PL4 8QZ

Harassment Reporting

