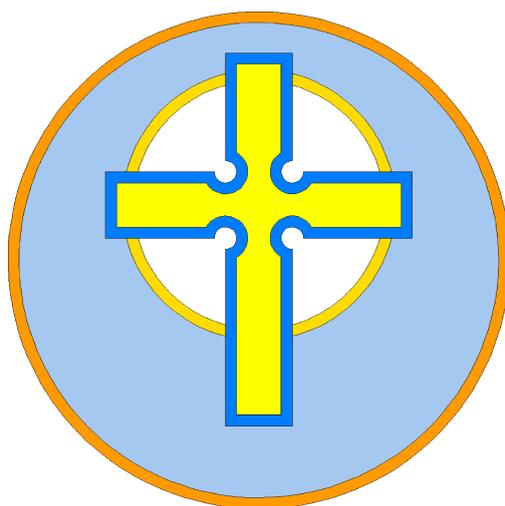


# St Aidan's Catholic Primary School

"Living and growing in Christ"

## Sexual Harassment Policy



<b>Drafted by:</b>	Executive Headteacher
<b>Approved by:</b>	Personnel
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## 1. Introduction

Sexual harassment will not be tolerated and is unlawful. The law now requires all employers to take reasonable steps to prevent sexual harassment of their workforce. We have a zero-tolerance approach to sexual harassment of employees and workers. Sexual harassment is a disciplinary matter and may result in action up to and including dismissal alongside other appropriate measures being taken.

Whilst we have an existing procedure for dealing with any complaints (the Staff Grievance Policy), this additional guidance has been developed to ensure we are also meeting the new (effective 26 October 2024) statutory duty to take reasonable steps to prevent any sexual harassment.

We expect:

- All employees, (agency) workers and consultants to read the guidance on sexual harassment in the staff handbook.
- Managers to ensure risk assessments are in place and where a risk assessment of sexual harassment is identified appropriate measures are taken to mitigate that risk.
- Staff engagement through one to ones, surveys and exit interviews to ensure the school is proactively aware of what is happening in the workplace and of any warning signs.
- Any complaint to be dealt with in line with this guidance and other school policies ensuring appropriate support is in place for those affected.

Further guidance, advice and support is available from HR Advisory Services and via ACAS at: [What sexual harassment is - Sexual harassment - ACAS](#)

## 2. What is Sexual Harassment?

Sexual harassment is unwanted behaviour of a sexual nature that has:

- violated someone's dignity, whether it was intended or not.
- created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not.

The law (Equality Act 2010) (and therefore the scope of this guidance) protects the following people against sexual harassment at work:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants.

### 3. Who is Responsible?

Anyone who sexually harasses someone at work is responsible for and liable for their own actions and will be subject to disciplinary proceedings including potential dismissal.

We will take all complaints of sexual harassment seriously. We will handle any investigation in a way that's fair and sensitive to:

- the person who made the complaint
- someone who witnessed it
- someone who's been accused of sexual harassment.

### 4. Who can Experience Sexual Harassment?

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

Employees could experience sexual harassment from anyone they come into contact with because of their job, including another employee, agency worker, employees or workers of other employers we work with as well as any member of the public, whether a service user or not.

### 5. Examples of Sexual Harassment

Sexual harassment can be a one-off incident or an ongoing pattern of behaviour. It can happen in person or in other ways, for example online through things like email, social media or messaging tools. A non exhaustive list of examples includes:

- flirting, gesturing or 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 or gender identity
- displaying or sharing pornographic or sexual images, or other sexual content
- touching someone against their will, for example hugging them
- sexual assault or rape.

What some people might consider as joking or 'banter' is still sexual harassment if:

- the behaviour is of a sexual nature (see examples provided above)
- it is unwanted
- it violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them.

Sexual harassment is usually directed at an individual, but it's not always the case. Sometimes there can be a culture of sexual harassment in a workplace that's not specifically

aimed at one person – for example making jokes of sexual nature. Someone could still make a complaint of sexual harassment in this situation.

Employees should be aware that acts of sexual harassment can be dealt with under the school's Staff Disciplinary Policy and note that action up to and including summary dismissal can be taken against employees that are perpetrators of sexual harassment.

## 6. Complaints about Third Parties

The law also requires us to take reasonable steps to prevent sexual harassment by third parties and such behaviour will also not be tolerated. We encourage staff to report any acts of sexual harassment from third parties as well as from other workers.

## 7. Raising a Concern

If you've experienced sexual harassment at work, we would always encourage you to raise the matter so that you can receive appropriate support and your complaint can be dealt with.

You might want to talk to someone to get advice and support before deciding whether to make a sexual harassment complaint. This could be:

- someone you trust at work, for example a colleague or manager
- a trade union representative, if you're a trade union member
- the Employee Assistance Scheme Employee Assistance Programme (EAP)
- a specialist helpline

In any event it's a good idea to make a note of what's happened. This should include dates, times and names, including any witnesses. Making a note can be especially helpful if you find talking about the experience particularly distressing.

You can raise your concerns through the school's Staff Grievance Policy. The policy offers both informal and formal routes to resolve matters and you can set out how you think your complaint can best be resolved. It may also be necessary for matters to be dealt with under the school's Staff Disciplinary Policy but we will discuss that with you before any decisions are taken. You can make your complaint in writing, speak directly to the Head of School or Executive Headteacher or otherwise ask a trade union representative or colleague to raise the complaint on your behalf.

Because of the sensitive nature of sexual harassment complaints, the steps in the Staff Grievance Policy can be adapted to ensure you feel comfortable and supported. That might include:

- discussing with you who will deal with the complaint and any investigation, as well as any steps to be taken to ensure you are comfortable with the approach and feel supported

- considering any interim measures that might need to be taken while the complaint is dealt with to avoid direct contact with the person about whom the complaint has been made
- agreeing a timescale to resolve matters.

However you choose to raise the complaint you will be able to bring someone with you to any meetings to support you. Whilst that might be a trade union representative you might also want to bring along someone else for emotional support.

Whilst our procedures normally require complaints to be raised within 3 months, we recognise that in the case of sexual harassment that might not always be easy to do and we will therefore consider each case on its merits.

## 8. When it's a Crime

If the complaint amounts to a crime, you can report this [directly to the Police](#). If you are unsure or uncomfortable about doing this, there are [specialist helplines](#) you can call for support and advice. They can help talk through your options. We will also discuss with you how you wish the matter to be dealt with.

Further guidance is also available from ACAS at:

[If you've been sexually harassed at work - Sexual harassment - ACAS](#)

## 9. Witnessing Sexual Harassment

If you see someone being sexually harassed at work, you could step in and try to stop it happening, if you feel it's safe to do so. Whilst we encourage both employees and those that may have witnessed sexual harassment to let us know what has happened, not everyone will feel comfortable in doing so.

If you have witnessed an incident, you may consider talking to the person who experienced the sexual harassment to see if they want your support but should be confident that can be done in a sensitive manner without causing further distress. You might feel uncomfortable reporting the incident and wish to do so anonymously. Whilst you can do so there are limitations to the action which can follow an anonymous report, and you may wish to seek further advice before doing so.

You might also want to talk to someone else to get advice and support before deciding whether to report it or make a sexual harassment complaint yourself. This could be someone you trust at work, for example a colleague or line manager or a trade union representative. You can also contact our EAP scheme or a specialist helpline.

## **10. Responding to and Resolving Complaints**

We will take any complaint of sexual harassment very seriously and think carefully about the way it is handled, to ensure we act fairly, sensitively and follow the right procedures.

We will tell everyone involved in the complaint what the process will be and handle the complaint as quickly as possible.

Our Staff Grievance Policy recognises that employees may wish to seek either an informal or formal resolution to their complaint or concerns.

In some cases you may have a complaint that you wish to resolve informally. That might include some form of mediation or other informal resolutions such as providing training or guidance to the employee about whom the complaint has been made. Any meetings between parties will however need to be very carefully managed.

Where matters are to be resolved informally, how that is to be achieved and the steps to be taken must be agreed with you.

In other cases, the formal stages set out in the school's Staff Grievance Policy would need to be followed. The matters may also need to be addressed under our Staff Disciplinary Policy.

Having dealt with your complaint we will need to consider any further steps we may need to take to provide you with reassurance and support. That will be discussed with you.

## **11. Application of the School's Staff Disciplinary Policy**

The school's Staff Grievance Policy is in place to support the resolution of any complaints. As noted above, sexual harassment is also a disciplinary matter and may result in action up to and including summary dismissal being taken. Aggravating factors, such as abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary action to take.

## **12. Support**

We will ensure that employees or workers that raise a concern or complaint as well as witnesses to any event are not victimised or treated unfairly for raising their concerns.