

John Scurr Primary School

Cephas Street

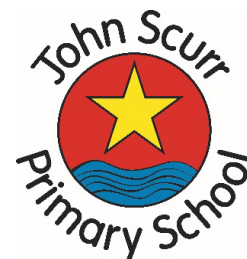
London E1 4AX

Tel: 0207 790 3647

Email: admin@johnscurr.towerhamlets.sch.uk

www.johnscurrprimary.weebly.com

Headteacher: Maria Lewington



Sexual Harassment Policy

Reviewed by:	General Governing Body
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1. POLICY STATEMENT

- 1.1 This school has a zero-tolerance approach to sexual harassment in the workplace and is committed to acting to prevent and act upon all reported sexual harassment. Our culture is based on mutual respect, trust and collaboration, and sexual harassment is a serious violation of those principles. Staff who are experiencing or have experienced sexual harassment in the workplace, or have witnessed sexual harassment, should report it and the matter will be taken seriously and dealt with. The school will deal with the matter in a way that is supportive, sensitive and fair to the staff member who has made the complaint, anybody who has witnessed it, and anybody who is being accused of sexual harassment.
- 1.2 Under the Worker Protection (Amendment of Equality Act 2010) Act, employers have a legal duty to take reasonable steps to prevent sexual harassment of staff, including sexual harassment by third parties such as customers and service users.
- 1.3 Sexual harassment is unlawful under the Equality Act 2010. Under the Equality Act 2010, sexual harassment is defined as occurring when a person engages in unwanted conduct of a sexual nature that has the purpose or effect of:
- violating someone's dignity, or;
 - creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- 1.4 It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour. Under the Equality Act 2010, staff are able to complain about behaviour that they find offensive, even if is not directed at them. Employers also have a responsibility under the Health and Safety at Work etc. Act 1974 to ensure, so far as it reasonably practicable, the health, safety and welfare of their workers when at work, which includes protection from sexual harassment at work.
- 1.5 The school expects individuals, including pupils, to behave in a way that is consistent with the Code of Conduct, professional standards, the school's values and school policies and procedures, including the Behaviour policy. Allegations of sexual harassment will be dealt with internally under the formal disciplinary procedure, and for serious offences this may lead to dismissal. Allegations from pupils towards staff will be dealt with under the procedure for Managing Allegations of Abuse and be referred to the LADO. Allegations from staff towards pupils, will be dealt with through the school's behaviour policy and the school will take all appropriate action including, if necessary, legal action and/or reporting matters to the Police.

This policy and procedure has been consulted on and agreed with the relevant trade unions.

2. SCOPE

This policy covers all staff working in schools. Under the Worker Protection (Amendment of Equality Act 2010) Act, employers have a legal duty to take reasonable steps to prevent sexual harassment of staff, including sexual harassment by third parties such as parents, pupils, governors, contractors, etc. Sexual harassment can happen to anyone at any time, in any place including the workplace.

3. EQUALITIES

3.1 Sexual harassment can happen to women or men or transgender. Primarily, women are victims of sexual harassment, but this activity can happen to anyone, and this policy will deal with all forms of sexual harassment.

3.2 Staff can be sexually harassed by people of the same sex or gender, or the opposite sex or gender, or those who are non-binary.

3.3 Sexual harassment can come from anyone, including:

- someone on the same team;
- a Headteacher or manager or others in a position of power (if the Headteacher is the alleged source of harassment, staff can report the matter to the Chair of Governors);
- another member of staff;
- someone else that a staff member comes into contact with whilst they are working such as parents, pupils, contractors, school governors or other external parties. Just because the person may not be a member of staff does not mean that the member of staff subject to unwanted behaviour can do nothing; the school will support the member of staff and will take all appropriate action including, if necessary, legal action where and if required.

3.4 If representatives of contractors sexually harass any of our staff, the school will request that the company they work for takes disciplinary action and, if justified, may cease the working relationship with this person.

4. ROLES AND RESPONSIBILITIES

- 4.1 Headteachers and managers have a defining influence on the working culture by role modelling respectful behaviours, setting the expectations around dignity and respect, from the induction of staff and pupils onwards, and taking a visible lead on the issue of sexual harassment. In doing so they can foster a working environment and culture where staff are more informed of behaviours that are not tolerated and feel more secure and empowered to raise issues without fear of recrimination. Headteachers and managers should be proactive in challenging unacceptable behaviour, and if a complaint is received about sexual harassment headteachers and managers are responsible for dealing with the matter promptly, seriously and discreetly.
- 4.2 Where appropriate, headteachers should ensure risk assessments are undertaken, this may include lone working. A model checklist attached as Appendix B, may be used to identify and address risks.
- 4.3 The school encourages all staff to report sexual harassment, not just those who are a recipient of sexual harassment, but also those who witness it. All staff have a role to play in tackling sexual harassment in any form and the school will support and act upon any matters brought to the attention of management.

5. WHAT IS SEXUAL HARASSMENT?

- 5.1 Sexual harassment is unwanted conduct of a sexual nature.
- 5.2 Sexual interaction that is invited, mutual and consensual is not sexual harassment because it is not unwanted. An individual can experience sexual harassment from someone of the same or different sex or gender and the recipient of the behaviour decides whether or not it is unwanted. Sexual conduct that has been welcomed in the past can become unwanted.
- 5.3 Sexual harassment has the purpose or effect of violating the dignity of a worker, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It also does not have to be intentionally directed at a specific person. Sexual harassment takes many forms and is not necessarily overt. Examples of this behaviour include the following:

Physical acts:

- criminal behaviour, including physical violence, sexual assault, stalking, grooming, indecent exposure;

- ‘up-skirting’, which typically involves someone taking a picture under another person’s clothing without their knowledge or consent;
- unwelcome physical contact including touching, hugging, massaging, pinching, kissing;
- invading another person’s personal space (for example, by sitting overly close to them);
- sexual gestures;
- pursuing or flirting with another person persistently without the other person’s willing participation; or flirting with someone at an inappropriate time or place (for example, in a workplace team meeting) even when these advances would have been welcome in a different setting, because such actions can, for example, harm a person’s professional reputation and/or expose them to further harassment;

Verbal acts:

- commenting on someone’s looks, dress, sexuality or gender in a derogatory or objectifying manner, or in a manner that makes them uncomfortable;
- making obscene comments, jokes or gestures which may be passed off as banter, that humiliates or offends someone;
- repeated and unwanted social invitations for dates or physical intimacy;
- making promises or threats in return for sexual favours;
- intrusive questions about a person’s private or sex life, and discussing one’s own sex life;
- spreading sexual rumours;

Non-verbal/other acts:

- whistling;
- leering;
- sending or displaying sexually offensive and explicit objects or messages such as pornographic pictures or calendars, including those in electronic forms such as computer screen savers or by circulating such material in emails or via social media;
- coercing someone for career progression or advancement.

The above is not an exhaustive list. These and all similar behaviours are unacceptable.

- 5.4 The school recognises that sexual harassment can be a manifestation of power relationships and can occur within unequal relationships in the workplace, for example, between a manager and a member of their staff.

- 5.5 All school staff are protected from sexual harassment in the workplace. This applies to one-off incidents, ongoing incidents, incidents outside of the workplace which are related to work, and which may include informal social events. This protection comes from both employment law and criminal law, depending on the circumstances involved, and school policies and procedures. Anyone who sexually harasses another will be dealt with in accordance with this internal policy and the disciplinary procedure. For serious offences this may lead to dismissal.

6. SEXUAL ASSAULT AND CRIMINAL OFFENCES

- 6.1 Certain types of sexual harassment, such as sexual assault and other physical threats, may be a criminal matter as well as an employment matter.
- 6.2 The complainant's wishes should be given a significant amount of weight. If they do not wish to report a matter to the Police, then in most cases the school should respect that wish. In certain circumstances however, an incident should be reported to the Police. The Headteacher with the advice of their HR provider, should weigh up the risk of reporting the matter to the Police contrary to the complainant's wishes, against any risk to the safety of the complainant, the complainant's colleagues, safeguarding of pupils and other third parties, if the matter is not reported to the Police.
- 6.3 Criminal matters should be reported to the Police in the following way:
- Call 999 if you or someone else is in immediate danger, or if the crime is in progress.
 - Call 101 to contact the Police if the crime is not an emergency.
- 6.4 If a complaint is reported to the Police, or criminal court proceedings are being pursued, the school will still investigate the complaint as an employment matter and may as a result of investigation then follow the disciplinary procedure without awaiting the outcome of criminal proceedings.

7. STAFF MAKING A COMPLAINT OF SEXUAL HARASSMENT

- 7.1 Any member of staff who feels they have been sexually harassed, or any member of staff who has witnessed sexual harassment, even if it is not directed at them, can make a complaint of sexual harassment.

- 7.2 Staff with concerns about sexual harassment are recommended to make a written record of the incident(s), noting dates, times details of what took place and any witnesses present as soon as possible whilst the details are fresh in the memory.
- 7.3 Raising a complaint of sexual harassment can be stressful as the member of staff may be wary about raising such issues for such reasons as being taken seriously; it being one person's word against another; whether it will be sufficiently acted upon, especially if the person they are complaining about is more senior; whether they would be blamed, even in part, for the issue; or whether they would be victimised by the perpetrator or other team members. The school is aware that these concerns exist and encourages any member of staff with such concerns to raise them in the knowledge that they will be taken seriously, the matters will be addressed, and victimisation will not be tolerated.
- 7.4 A particular concern may be that staff do not raise an issue because it may not have been witnessed. This does not prevent the school from taking steps to address the matter. By making a headteacher or manager aware of the issue(s) the headteacher or manager can:
- more keenly observe and monitor a situation and intervene, where appropriate,
 - if the member of staff does not wish to raise the matter formally; take steps to support the member of staff;
 - give a range of options to tackle the issue;
 - address the issue with the person accused of sexual harassment, formally or informally, so the person accused of the act may stop repeated or unwanted behaviour and also be made aware that they may face punitive measures.

Additionally, in raising an issue, even informally, the member of staff may cite unwanted behaviour which, unbeknown to them, may have or will be drawn to the headteacher/manager's attention by other members of staff; in doing so managers can then identify and can act on a pattern of unwanted behaviour.

- 7.5 Staff members can report a concern to their line manager, or the head teacher. Members of a trade union can discuss such matters with their Trade Union representative, who can give advice on how best to take the matter forward. Staff networks are also able to signpost support.
- 7.6 Experiencing sexual harassment can be extremely emotionally distressing for the staff involved. For this reason, the school will look to make reporting such matters as stress-free as possible, for example, by ensuring that there is plenty of time to discuss the matter, encouraging and enabling a request to speak with someone of the same sex or

gender, finding a private space to meet and offering support to anyone emotionally distressed.

- 7.7 For any such meeting the member of staff will be allowed to be accompanied by a work colleague or a trade union representative. For matters relating to sexual harassment only, the member of staff may be accompanied by a friend, family member or support worker who is not a legal representative, at the initial stage at which they are making a statement on the matter; this would not apply to any further formal stages or processes applying to the matter and this should be discussed with the HR provider prior to any such agreement.
- 7.8 Matters can be dealt with informally, or formally, according to how the complainant chooses to take the matter forward.
- 7.9 **Tackling the matter informally:** If the staff member with a concern feels sufficiently safe, they can tell the person to stop, either by asking the person to stop, or addressing this in writing, or via a third party (a colleague or headteacher/manager), they should outline the behaviour, its impact and a request for it to cease. The member of staff should keep a record of any steps taken to stop the sexual harassment and any response from the harasser (Appendix A provides a useful form to help record sufficient details of an incident(s). In some cases, an informal approach may be enough to make the harassment stop, especially where it is unintended. It may also be the case that people are not aware that their behaviour is unwelcome, and an informal discussion can lead to greater understanding and an agreement that the behaviour will change. Even if the unwanted behaviour is unintended this does not make it justifiable or acceptable. It may also be the case that the person is aware of their behaviour, but being told to cease is sufficient. Further informal options may be to request that the line manager or headteacher address the issue with the person, or facilitate a meeting between the individuals, or to seek the assistance of a mediation service.
- 7.10 **Formal complaints:** Complaints need not be dealt with informally. If a member of staff chooses to lodge a complaint formally that is their choice, and the matter will be handled under the school's formal grievance procedure. An allegation may be investigated as part of the grievance process and, where the grievance is found/upheld, the information gathered from the investigation can be taken forward to a disciplinary process. A different approach may be adopted where the evidence is such that the headteacher invokes the disciplinary process immediately at their discretion, depending on the circumstances and evidence at that stage.
- 7.11 **Victimisation:** If a member of staff makes a complaint related to sexual harassment or supports such a complaint by giving evidence or information, or is believed to be

supporting a complaint, they are also protected from victimisation under the Equality Act. Staff should not be subjected to a detriment because of their involvement. Examples of victimisation include:

- being denied a promotion or other benefits because of their involvement in such a complaint (which may be some time after an incident is raised and dealt with);
- bullying, being picked on or belittled;
- ostracised or excluded;
- having tasks removed;
- being given an unjustified poor reference.

7.12 Harassment by third parties: Harassment by a third party, such as a parent, governor, or supplier will be treated just as seriously as that by another staff member. Staff are encouraged to report any harassment and incidents. Where it is found that a third party has sexually harassed any of our staff, then appropriate action will be taken to prevent it happening again. This may include warning the third party about the unwanted behaviour, banning them from school premises, reporting any criminal acts to the police or sharing information with other school services. This list is not exhaustive. Headteachers will also be required to review risk assessments.

8. HEADTEACHERS AND MANAGER'S HANDLING OF A COMPLAINT OF SEXUAL HARASSMENT

8.1 Headteachers and managers are expected to take a proactive approach in creating a working environment that is respectful and where staff are clear on acceptable and unacceptable behaviours. This includes making new staff aware of the school's values, behaviours and standards when they are inducted into the school; making standards clear to team members; and acting upon any behaviour which may be construed as sexual harassment even if no complaint from another is forthcoming.

8.2 If a headteacher or manager is made aware of an act of sexual harassment, they should handle the matter sensitively. The headteachers Guidance on Tackling Sexual Harassment provides advice on how to handle such meetings with the various parties involved, and the options that can be given to staff. Headteachers and Managers should be aware that by exception, when raising issues of sexual harassment, staff may be accompanied by a work colleague or a trade union representative or a friend, family member or support worker who is not a legal representative at the initial stage at which they are making a statement on the matter; this would not apply to any further formal stages or processes applying to the matter and this is subject to the prior agreement of HR.

- 8.3 Headteachers and managers should be guided by the person raising an issue as to how the matter is taken forward, be it to simply draw the behaviour to the managers attention but without them pursuing a complaint (perhaps as a request to observe behaviour of concern of another, which may be a pattern more than one member of staff is subject to), or to take the matter forward as part of an informal or formal grievance. If there is sufficient evidence or grounds, rather than the matters going through a grievance investigation and formal meeting, the manager could immediately invoke the disciplinary procedure. The school's HR provider can provide advice on such matters.
- 8.4 Where possible, the headteacher or manager should respect the wishes of the complainant. Not doing so could compound any harm caused by the original conduct. However, there may be circumstances in which the manager should act because the risk of not taking action outweighs the risk arising from overriding the complainant's wishes, for example, if safeguarding issues arise. This would also be the case if the matter was potentially illegal (see section 4 above). If action is to be taken because the matter warrants it, having taken into account the above, the member of staff who raised the issue should be told before the matter is progressed. They should be told the reasons as to why; how the matter will be addressed and when; and measures that will be taken to protect them further
- 8.5 If headteachers or managers are made aware of a complaint of sexual harassment that has been witnessed, they should encourage witnesses to participate and provide evidence in any matter that is explored, be it informally or formally. Managers should also reassure witnesses that they are simply asked to provide evidence on the facts and that the school will not tolerate the victimisation of anyone who presents evidence as a witness to an event.

9. STAFF ACCUSED OF SEXUAL HARASSMENT

- 9.1 Staff accused of sexual harassment will have the matters dealt with in a way that is supportive, sensitive and fair. It may be that the matter is dealt with under the formal disciplinary procedure. As part of any formal process the member of staff will have an opportunity to respond to the matter during an investigation, and in any formal meetings before any decision is taken and can be accompanied at any such meetings by a work colleague or trade union representative.
- 9.2 Disciplinary action may be taken against a member of staff making a complaint if there is strong evidence that the complaint was vexatious or malicious.

10. WITNESS REPORTING

10.1 All staff have a responsibility to play their part in ensuring the workplace is free from sexual harassment, even if they are not personally subject to this but observe behaviour may be sexual harassment or come across any evidence of material which is sexually offensive and inappropriate for the workplace. A member of staff may witness behaviour or have evidence of offensive material which they can report to their line manager, their headteacher or HR (or firstly take advice from their Trade Union representative if they are a member, or from a Staff Network). It may also be the case that a member of staff may be named as a witness to a matter relating to sexual harassment raised by another. As a witness they will be asked to provide a factual account on the matter. Witnesses are encouraged to respond to such requests to enable the school to assess matters fairly and meaningfully. The school will not tolerate the victimisation of anyone who presents evidence as a witness, and if this occurs they are to bring this to the attention of their manager, their manager's manager or HR.

11. HISTORIC ALLEGATIONS

11.1 If a complaint of sexual harassment is reported much later than 3 months the school will treat it equally seriously.

11.2 The school looks to take ACAS's advice on handling a complaint a long time after an incident, which is: to take the matter very seriously and deal with it as far as is possible. In some cases where a lot of time has passed, there may be limitations on how effectively the complaint can be dealt with, for example, if:

- the person who's been accused of sexual harassment no longer works for the school;
- witnesses no longer work for the school or cannot recollect events;
- evidence may no longer exist, for example, through data cleansing of emails or files after a certain period in accordance with our data retention policy.

Regardless of the above, the matter will be looked into.

12. SUPPORT

12.1 The impact of sexual harassment can be devastating, for example, leaving the recipient feeling afraid, ashamed, humiliated, and undermined. It can result in serious mental health problems such as depression, anxiety or low self-esteem. It can also have a

serious impact on physical health problems such as digestive problems or sleep difficulties. Accusations can also have a detrimental impact on a member of staff accused of sexual harassment, and whether the matter is proven or found against them or not, they should still be supported by their manager when going through any process to deal with the matter.

12.2 The following partner services can support those who are suffering from any ill effects of matters relating to sexual harassment:

- **Occupational health:** Managers can refer staff to the school's Occupational Health Service to seek advice on what support can be offered to anyone affected by sexual harassment.
- **The school's Employee Assistance Programme (EAP):** Registration and contact details are – *school to insert details here*
- **Able Futures:** Able Futures delivers provides Confidential support, advice and guidance from a Vocational Rehabilitation Consultant who is a qualified mental health professional. Staff can talk to a mental health professional about whatever is on their mind, including experiencing issues such as anxiety, depression, or stress that may be affecting their mental health. The mental health professional can then help staff make a plan with coping strategies to help them manage their mental health. This can provide up to Nine months mental health support, at no cost to the member of staff. See the internet for more information.
- **Trade Union membership services:** For members of a trade union, aside from speak to their representatives, their trade union may have services that can assist their members such as counselling services.

12.3 The following external sources exist to support those who are victims of sexual harassment:

- **ACAS** - on 0300 123 1100, which is an independent external organisation which gives advice on employment matters and employee rights.
- **Victim Support** - on their confidential National Helpline - on 0808 168 9111 or go to www.victimsupport.org.uk/help-and-support/get-help
- **Rape Crisis: East London Rape Crisis Service** - Women and girls only - Helpline: 0800 160 1036 <http://www.niaendingviolence.org.uk>

- **Safeline National Helpline for males** - National Helpline for males - Helpline: 0808 800 5005 <https://www.safeline.org.uk/>
- **Police** - Call 999 if you or someone else is in immediate danger, or if the crime is in progress. Call 101 to contact the police if the crime is not an emergency.

13. FURTHER INFORMATION

For further information please contact your HR provider.

APPENDIX A:– Template for Recording an Incident

Template for Recording an Incident

This is a form is a tool for recording the details of any incident of concern. It is not compulsory to use the form. This serves as a useful aid memoire to any event that might be raised with a Headteacher or manager either now or at a date of your choosing, if you decide to take this route. It will be useful if any investigation into the matter(s) is invoked. NB Staff should try and record any incident as near to time the incident occurred whilst details are fresh in the memory.

Incident 1

Date	
Time	
Place of Incident	
If a face to face incident names of those present (including witnesses)	
Details of the Incident Consider the following factors, which depends on the nature of the incident, for example, if a face-to-face interaction address: • what was said? • tone of voice (raised, angry, in jest) • body language (e.g. sexual flirting by winking, touching, being in close proximity, or anger/red faced, ignoring) • reactions of all/anyone present. How did you react? And if you did react how was this received?	
Impact of the incident Did this impact feelings, cause illness or stress, impact your personal life? Were there repercussions from the initial incident (e.g. treated detrimentally by anyone, or the behaviour continued)?	

APPENDIX B – model risk assessment checklist

Preventing sexual harassment: Risk Assessment Checklist

Checklist completed on:

Checklist completed by:

Review date:

Risk area	Does it apply to this workplace?	Any history of incidents?	Level of risk identified (Low/Medium/High)	What Measures are currently in place	What Further action is required	Review date	Outcome of review
Working at night							
Working alone							
Adequate lighting and space in work areas							

Interaction with third parties (e.g.: customers, suppliers, contractors)							
Working alone with third parties							
Workplace language (e.g. use of banter, swearing)							
Consuming alcohol with colleagues outside of work							
Socialising with third parties (customers, suppliers etc...)							
Socialising outside of work							
Use of social media to							

communicate at work							
Use of social media to communicate outside of work							
Hierarchical management structure							
Management behaviour: appropriate use of authority							
Small teams with only one manager							
Diversity in workforce							
Diversity in management							
Awareness of reporting processes for complaints							

Staff awareness of what sexual harassment is							
Number of complaints received in last 3 years – split between open and anonymous							
Trends or hotspots in instances seen from complaints							
Underreporting?							
Management behaviour – training on sexual harassment							
<i>[Insert your own workplace-specific risk areas here]</i>							