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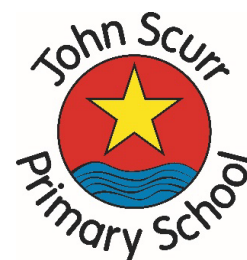
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Tackling Sexual Harassment Guidance for Head Teachers

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1. HEADTEACHERS AND MANAGERS RESPONSIBILITIES

- 1.1 Headteachers and Managers have an influence on the working culture by role modelling respectful behaviours, setting expectations around dignity and respect, and taking a visible lead on the issue of sexual harassment.
- 1.2 Headteachers and managers can foster a working environment where staff feel more secure and empowered to raise issues without fear of recrimination. They should, therefore, 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, discreetly and in a sensitive and non-judgemental way.
- 1.3 Note that the term Headteacher in this document includes managers and other senior leaders in a school.

2. WHY HEADTEACHERS NEED TO ACT AND WHAT ACTION THEY CAN TAKE

- 2.1 Headteachers have a duty of care to protect their staff and the school may be legally liable for sexual harassment in the workplace if they have not taken reasonable steps to prevent it and not taken steps if they knew about a situation and failed to do anything about it.
- 2.2 The school is also expected to deal with sexual harassment carried out by a third party, such as a contractor, client, governor, or service user. This is a legal obligation as well as the appropriate way to respond to protect staff.
- 2.3 The way Headteachers handle a complaint is also important. If a headteacher is negligent, unsympathetic or handles a complaint about sexual harassment in an unfair manner, this may lead to further harassment or acts of direct discrimination, or victimisation, and leave the school legally liable for such a failure. The following are examples of failing to act appropriately:
 - treating the complaint made by a woman less seriously than they would handle a comparable complaint made by a man;
 - blaming the complainant in any way for being sexually harassed (i.e. victim blaming, for example, by asking what the victim was wearing, or minimising what has happened by saying or implying that what happened was a joke or

banter or that the person is being overly sensitive. If a person is offended by what is said, that is the focus of what needs to be addressed);

- delaying investigating a complaint;
- failing to follow the grievance procedure;
- treating the alleged harasser more favourably during any investigation;
- subjecting the complainant to detrimental treatment as a consequence of raising a complaint.

2.4 Headteachers tackling sexual harassment in a timely manner will also demonstrate that the school takes the matter seriously and will not tolerate any form of harassment, and help ensure that the workplace is more productive, and staff are more engaged. Sexual harassment can have a major impact on an organisation, affecting both the performance and the morale of the workforce as a whole.

2.5 Serious matters may also potentially be criminal matters that need to be reported to the Police or may call into question the person's fitness to undertake their current role, for example, for safeguarding reasons. In such cases HR should be sought immediately before acting, and for safeguarding matters this may involve the LADO (the Local Authority Designated Officer). It may be the case that whilst the matter is investigated formally alternative duties need to be found for the member of staff facing the allegations, or, by exception, they may need to be suspended.

3. PREVENTATIVE MEASURES

3.1 Headteachers can take the following preventative measures:

- make new staff aware of the policy and expectations in their induction/probation period;
- discuss the policy in team meetings and create a culture of respect and zero tolerance;
- offer training for managers and staff to raise awareness;
- tackle issues immediately where they are observed to make it clear what behaviours are unacceptable in the workplace, for example, unacceptable banter/jokes/comments (whether any staff members find it offensive or not). These should be immediately addressed with the person;
- make it clear to staff that they will not tolerate sexual harassment;
- encourage staff to report sexual harassment.

4. HOW TO CONDUCT AN INFORMAL MEETING ABOUT A SEXUAL HARASSMENT COMPLAINT FROM A MEMBER OF STAFF

- 4.1 Experiencing sexual harassment can be emotionally distressing for the staff member involved. For this reason, Headteachers should 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; finding a private space to discuss the matter; offering support to anyone emotionally distressed; and accepting that staff can choose to report this to someone of the same sex or gender if they so wish.
- 4.2 For any such meeting the member of staff will be allowed to be accompanied by a work colleague or a trade union representative. In these circumstances for matters related to sexual harassment only, it may also be possible for the member of staff to 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 type of accompaniment should be discussed with your HR provider prior to agreement, such accompaniment would not apply to any further formal stages or processes regarding the matter.
- 4.3 The Headteacher should:
- listen carefully to what the member of staff says;
 - thank them for having the courage to share their experience and acknowledge that it's not an easy thing to do;
 - make it clear that they are not being over-sensitive or that the matter is trivial if they raise these points;
 - make clear that help is at hand and the matter will be addressed if that is what they wish;
 - provide a copy of the Sexual Harassment Policy discuss the options that are available to them and seek their agreement before taking matters further. The options available to the complainant are to tackle the matter informally or formally. It may even be the case that the member of staff does not wish to take the matter further but wishes to only draw the Headteacher's attention to the matter at this stage, or ask the Headteacher to note and observe whether such behaviour is to be repeated or others have raised other such matters informally that would prompt some action;
 - inform them that they will be kept up to date on how the matter progresses. Headteachers should then actively make regular contact, even when there is no significant progress to update on. Regular contact with the individual will be reassuring, give the person a chance to ask questions or discuss how they are feeling and enable the Headteacher to offer support. Lack of involvement or contact can compound the stress an individual may be experiencing.

4.4 Tackling the matter informally. Headteachers can provide the following advice to deal with a complaint informally:

4.4.1 If the staff member with a concern feels sufficiently safe and decided upon this being the approach they want to take, they can tell the person to stop, either by asking the person or in writing, or via a third party (a colleague or Headteacher), outlining the behaviour, its impact and a request for it to cease. Sometimes 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 behaviour is unintended, this does not make it justified or acceptable. It may also be the case that the perpetrator is aware of their behaviour and being told to cease is sufficient for the unwanted behaviour to stop. If the member of staff does adopt this approach, they should be advised to make a record of what has occurred and when, and any steps taken to stop the sexual harassment, including any response from the perpetrator. In some cases, an informal approach may be enough to make the harassment stop, especially where it is unintended.

4.4.2 It is important to reassure the member of staff that it is understandable if they are unable to confront the harasser on their own or in writing. Other informal options may be for the line manager (or the Headteacher or a member of HR) to facilitate a meeting between the individuals, or the member of staff can speak with their trade union representative if they are a member of a trade union, or the line manager, Headteacher or HR can make representations on their behalf. It may also be the case that the member of staff has other suggested ways of tackling an issue which the Headteacher could consider. In exceptional circumstances it may be appropriate to seek the assistance of external support to handle particularly sensitive cases.

4.4.3 Please note that all options, informal or formal, should be presented and care taken to ensure there is no pressure to choose any one option over another. The staff member should not feel coerced into any one option. How it is dealt with is their choice.

4.4.4 The Headteacher should keep a record of any meetings held on such matters (date/time/who was present/ what was discussed).

4.5 Tackling the complaint formally. Headteachers should take the following steps to deal with a formal complaint:

- 4.5.1 Any formal action is likely to be handled under the school's Dignity at work/Grievance Policy, and/or Disciplinary Procedure. An allegation may be investigated as a grievance and where the grievance is 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 management decides to invoke the disciplinary process immediately without the need for a grievance being raised, for example, when a colleague witnesses an interaction between staff which is serious, or a customer complains about being sexually harassed by a member of staff.
- 4.5.2 A member of staff should not be pressurised into formally reporting the incident, nor to deal with the matter only through the informal route if this is not what they want. The member of staff may be afraid about reprisals or worry about embarrassment. The Headteacher's role is to reassure and advise that the matter will be treated seriously, and that victimisation as a result of raising a complaint is not tolerated and would be acted upon. It is then for the Headteacher to ensure appropriate action is taken.
- 4.5.3 Encourage the member of staff to write down details of every incident of sexual harassment, including what happened, when, how and by whom, to identify any possible witnesses, and to keep copies of any relevant documents such as letters, text messages, emails etc. Remember that sexual harassment often takes place without witnesses.
- 4.5.4 Ask what if any support they may need and signpost the support services cited in the Sexual Harassment Policy. Also, it may be necessary in some cases to alter work arrangements in some form, for example, to avoid one-to-one contact with the person accused of sexual harassment where necessary.
- 4.5.5 If a Headteacher believes that a criminal offence may have been committed by the person accused of sexual harassment, such as sexual assault, advise the member of staff to report the matter to the Police as soon as possible. If the Headteacher believes there is an ongoing risk of serious harm to the member, they should contact the police and their HR provider and inform the member of staff that they are doing so.
- 4.5.6 The Headteacher should keep a record of any meetings held on such matters (date/time/who was present/ what was discussed).
- 4.6 For staff concerned about raising a complaint because it is not witnessed, Headteachers can address such concerns by:

- stating that by being made aware of the issue the Headteacher can more keenly observe and monitor a situation and intervene where appropriate with the member of staff's consent;
- give options to tackle the issue by offering to address the issue formally or informally;
- offer to make the person accused of the act aware that this has come to the attention of management in an attempt to prevent further unwanted behaviour, and make clear the potential consequences of such behaviour continuing;
- take steps to support the member of staff.

In raising an issue, even informally, a member of staff may draw attention to unwanted behaviour raised by other members of staff which they may be unaware of and in doing so, Headteachers can act upon a pattern of unwanted behaviour.

5. HOW TO CONDUCT AN INFORMAL MEETING WITH A PERSON ACCUSED OF SEXUAL HARASSMENT

- 5.1 The Headteacher should advise the member of staff of the issue(s) brought to their attention and should not readily judge the matter. Instead, they should simply relay the facts reported. Where the incident occurs between staff in different teams, the Headteacher in receipt of a complaint should hold such meetings to limit the field of those involved. If the Headteacher is not the direct line manager of the person accused of sexual harassment, advice can be sought from HR, and the person's line manager informed that such a meeting will be taking place (the line manager need not know the details of the case if it is sensitive and the complainant does not want information about themselves shared further).
- 5.2 If the matter is to progress to a formal process then the Headteacher should advise the member of staff that they will have an opportunity to respond to the matter as part of the formal process (during an investigation) and can be accompanied at any such meeting by a work colleague or trade union representative. The member of staff should be made aware of the Sexual Harassment policy and any formal policy that may be used to take the matter forward (Grievance or Disciplinary).
- 5.3 If the intention is to look to resolve the matter informally, at least in the first instance at the complainant's behest, the Headteacher should, firstly, let the member of staff know this, and give them the opportunity to respond to the allegation(s) before forming a view.

- 5.4 If admitted, the Headteacher should state that the behaviour must stop and explain that the conduct was unwelcomed and make any recommendations as to how the matter ought to proceed, for example, issuing a verbal or written apology to the complainant, or facilitating a meeting between the 2 parties, or offering mediation to the 2 parties. It may also be the case that the Headteacher considers it appropriate to issue a verbal warning (see the Disciplinary Policy and Procedure).
- 5.5 The Headteacher should explain the consequences if such behaviour continues, which may mean invoking the formal disciplinary procedure.
- 5.6 If the matter is denied and sufficiently justified/evidenced the Headteacher may need to meet the complainant again to explore how to take the matter forward and can seek advice from their HR provider.
- 5.7 If the matter is denied the Headteacher could set standards as to what is acceptable behaviour, signpost the Sexual Harassment Policy, and state that the matter may be subject to formal disciplinary action if the behaviour continues.
- 5.8 The Headteacher should keep a record of the meeting (date/time/who was present/what was discussed).
- 5.9 Any staff member who is proven to have made a vexatious, malicious or false complaint of sexual harassment may be dealt with in accordance with the Disciplinary Procedure.

6. HOW TO CONDUCT A FACILITATED INFORMAL MEETING ABOUT SEXUAL HARASSMENT BETWEEN STAFF

- 6.1 This can be a safe and constructive way of resolving disputes and difficult situations if handled well, if that is how the complainant wants to proceed. This would be a confidential process that would ideally require agreement from both parties before the meeting took place. **WARNING:** Headteachers need to consider the closeness of their working relationship with either party and whether this may influence proceedings, the grade differentials between the parties and whether this may have an influence, and whether they are sufficiently able to handle such a sensitive discussion objectively (they should seek advice and help from their HR provider if this may be the case). This option is one of a range of options on offer and the person raising the allegation may not prefer this option. Mediation is a voluntary alternative option to resolve issues confidentially, safely and independently.

6.2 The meeting can be conducted in the following way:

- state the purpose of the meeting and the ground rules for the discussion (that the parties will treat the discussion in confidence; that all present are to treat one another professionally and with respect; and that the Headteacher will invite the staff to speak);
- invite the member of staff who raised the concern to speak without interruption to state the facts of what occurred that concerned them and the impact this had on them if they feel sufficiently safe and willing to do so (it may be that they wish the Headteacher to present their concerns on their behalf with them present);
- invite the member of staff subject to the allegation to respond without interruption;
- acknowledge each party's views, including any commitment to a change in behaviour if this is forthcoming;
- make clear expected standards of behaviour for the avoidance of doubt in the future;
- seek the view of the member of staff who raised the concern as to whether they are satisfied that the matter has been adequately dealt with;
- state that the matter will be kept under review.

After the meeting the Headteacher should keep the situation under a period of review to ensure that relations do not deteriorate, and that the member of staff who raised the complaint is not suffering any detriment for having raised the issue.

7. DEALING WITH WITNESSES

7.1 A member of staff may witness behaviour and can report this to their Headteacher. This should be treated seriously and discussed further with the witness as to how the matter is to be taken forward (e.g. by the Headteacher more closely monitoring the behaviour of anyone of concern; discussing the matter with any member of staff identified as being subject to such behaviour; raising the matter with the member of staff said to have behaved inappropriately). The witness may have concerns about how the matter is dealt with so reassuring them that it was a responsible and appropriate thing for them to raise is essential.

7.2 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. If the matter is to be dealt with informally (any formal cases will involve the investigator seeking witness statements) the Headteacher should invite them to a one-to-one meeting and inform them of the facts which they are said to have witnessed. The Headteacher should ask them to provide a factual account on the matter or similar incident and to provide any other

evidence they may have (for example shared social media messages or images or emails). Headteachers should encourage reluctant witnesses to respond to such requests to enable the school to assess matters fairly and meaningfully and reassure them that any victimisation as a consequence of being a witness will not be tolerated.

8. REQUESTS BY STAFF TO NOT TAKE ACTION

8.1 If a member of staff raises an issue about sexual harassment but asks the Headteacher not to take the matter any further, the Headteacher should still take steps to ensure that the matter is in hand and, in readiness of any repeat occurrences, the Headteacher should, for example:

- keep a record of the complaint and the member of staff's request to keep the matter confidential;
- encourage the member of staff to address the issue informally either directly themselves or with support or formally or to seek further advice;
- provide the member of staff with any necessary support and guidance on options;
- keep the situation under review by checking in with the member of staff to find out if the situation has improved, and where the situation has not improved, explain to the member of staff that it is necessary to address the issue both for their well-being and potentially that of their colleagues;
- check with HR whether there is any repeat behaviour they may be aware of from the same individual. HR will have records of formal cases.

8.2 Where possible, the Headteacher 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 Headteacher should act because the risk of not taking action outweighs the risk arising from overriding the complainant's wishes. In assessing the relative risk of the options, the Headteacher should ask themselves:

- have they considered and exhausted all other possible options such as those already referred to in this guidance?
- what will the impact be of overriding the complainant's wishes if they consider the matter to be serious (take advice from the HR provider)?
- what are the potential risks to the complainant, the complainant's colleagues and to other third parties if the Headteacher does not take further action?
- are there potential safeguarding issues?
- have other complaints been made against the same person?
- what is the likelihood of the matter being resolved or not reoccurring without intervention by the Headteacher?

- 8.3 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. The latter can include informing the alleged harasser that any action they may take which leads to the member of staff who has raised the issue being subject to harm or being victimised then this may lead to disciplinary proceedings. It may be the case that some form of work adjustment is required, such as ensuring that whilst the matter is considered there will be no one-to-one interactions between the two members of staff in the course of their duties. Support that is available should also be signposted.

9 SUPPORT

- 9.1 The impact of sexual harassment can be devastating, for example, by 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. This can also have a serious impact on their physical health, such as digestive problems, or sleep difficulties.
- 9.2 For incidents involving work colleagues, Headteachers should consider how the parties will work together whilst the matter is addressed (e.g. via a facilitated meeting, mediation or a formal process). In certain circumstances temporary steps may need to be taken to alter ways of working, for example, ceasing one-to-one meetings together; the individuals having different lunchtimes; or where a line manager is involved, having direct contact with an alternative manager; or whatever else suits the circumstances and work set up. Care needs to be taken to not detriment the staff involved whilst the matter is looked at. In extreme cases alternative work or suspension may be appropriate for the person accused of sexual harassment. Headteachers are also expected to monitor how the parties interact and how individuals are coping when an incident is raised. Additionally, after a matter is resolved, Headteachers should be mindful that staff are not victimised or face any detriment related to the matter raised even after a case is closed. Staff should be asked about this in the normal one-to-one meetings following such incidents. In doing so it can reassure staff, provide the opportunity to seek support, and provide the opportunity to raise further concerns.
- 9.3 Incidents of sexual harassment involving an external person may require adjustments to ways of working to protect an individual, for example, temporarily changing the working times/journey, blocking or redirecting unwanted calls/emails, banning the person from school premises, or whatever can be done to support the individual in the circumstances.

9.4 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 Headteacher when going through any process to deal with the matter.

9.5 The following partner services can support those who are suffering from any ill effects of sexual harassment:

- **Occupational health:** Headteachers 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.
- **An Employee Assistance Programme (EAP):** *details to be provided by the school*
- **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 of 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.

9.6 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 makes - 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.