



Sexual Harassment Policy & Procedure

WORKING TOGETHER
FOR CHILDREN

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Policy Statement

Ad Astra Academy Trust is committed to providing a working environment free from sexual harassment and ensuring all staff are treated, and treat others, with dignity and respect. The Trust recognise that sexual harassment can occur both in and outside the workplace, such as on school trips, or at work-related events or social functions, or on social media.

Sexual harassment or victimisation of any member of staff, or anyone they come into contact with during the course of their work, is unlawful and will not be tolerated. The law requires the Trust to take reasonable steps to help prevent the sexual harassment and victimisation of all staff. Anyone who is a victim of, or witness to, sexual harassment is encouraged to report their concerns or any issues in accordance with this policy. This will enable the Trust to take appropriate action and provide the relevant support. Sexual harassment can result in legal liability for both the Trust and the perpetrator, whether they work for the Trust or are a third party outside of the Trust's control. Sexual harassment may result in disciplinary action up to and including dismissal.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence.

1. Scope & Purpose

- 1.1 The Trust deplore all forms of sexual harassment and seek to ensure that the working environment is safe and supportive to all those who work for and with the Trust.
- 1.2 The purpose of this policy is to set out a framework for managers, including Headteachers, to deal with any sexual harassment that occurs by staff (which may include consultants, contractors and agency workers) and also by third parties such as parents, pupils, supply staff, contractors, suppliers or visitors to Trust premises.
- 1.3 This policy does not form part of any contract of employment or contract to provide services, and the Trust may amend the policy at any time.
- 1.4 The policy will be reviewed at regular intervals, monitored for its effectiveness and changes will be implemented as required.

2. Legislative Setting

- 2.1 All employers must take reasonable steps to prevent sexual harassment of their employees. Sexual Harassment is unlawful under the Worker Protection (Amendment of the Equality Act 2010) Act 2023.

3. Who does this Policy apply to?

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

4. Who is Responsible for this Policy?

- 4.1 The Trust Board has overall responsibility for the effective operation of this policy but has delegated responsibility for overseeing its implementation to the Trust's Human Resource Manager. Suggestions for change should be reported to Human Resource Manager.
- 4.2 The Chief Executive and Headteachers/senior leaders have day-to-day responsibility for the application of this policy, and you should refer any questions about this policy to them in the first instance. The Trust's HR Team can also provide any advice and support.
- 4.3 The Trust Board will monitor the effectiveness of this policy.
- 4.4 Stakeholders from across the Trust will carry out risk assessments and monitor/review on an ongoing basis the risk of the occurrence of sexual harassment of employees in the workplace by other employees and third parties. The risk assessments and ongoing monitoring/review feed into the reasonable steps that the Trust put in place to minimise the risk of sexual harassment of Trust employees in the workplace.

5. What is Sexual Harassment?

- 5.1 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.
- 5.2 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 even if they were not the target of the behaviour.

5.3 Examples of sexual harassment may include but are not limited to:

- Unwanted physical conduct or "horseplay", including inappropriate touching, pinching, pushing, fondling, kissing, stroking and grabbing.
- Continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome.
- Sending or displaying material that is pornographic, sexually explicit, or communications that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the any form of social media).
- Unwelcome sexual advances, propositions, gestures, or suggestive behaviour such as staring, whistling, or leering (which the harasser may perceive as harmless).
- Offensive emails, text messages or social media content.
- Spreading sexual rumours about an individual.
- Sexual comments or jokes, which may be referred to as 'banter'.
- Intrusive questions about an individual's private or sex life or a person discussing their own sex life.

5.4 A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's phone in the workplace.

5.5 Victimization includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:

- Bringing proceedings under the Equality Act 2010.
- Giving evidence or information in connection with proceedings under the Equality Act 2010.
- Doing any other thing for the purposes of or in connection with the Equality Act 2010.
- Alleging that a person has contravened the Equality Act 2010.

5.6 Victimization may include, for example:

- Denying someone an opportunity or promotion because it is suspected that they intend to make a complaint about sexual harassment.
- Excluding someone because they have raised a grievance about sexual harassment.
- Failing to promote someone because they accompanied another staff member to a grievance meeting.
- Dismissing someone because they gave evidence as a witness on behalf of another staff member at an employment tribunal hearing.

- 5.7 Sexual harassment and victimisation are unlawful and will not be tolerated. They may lead to disciplinary action up to and including dismissal if they are committed:
- In a work situation.
 - During any situation occurring outside of the normal workplace that is related to work, such as at a social event with colleagues, a work conference or working lunch.
 - Against a colleague or other person connected to the school and/or Trust outside of a work situation, including on social media.
 - Against anyone outside of a work situation where the incident is relevant to their suitability to carry out a role.
- 5.8 The Trust will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.
- 5.9 If any sexual harassment or victimisation of staff occurs, the Trust will take steps to remedy any complaints and to prevent it happening again. This may include updating relevant HR policies and procedures, providing further staff training and taking disciplinary action against the perpetrator.

6. Third Party Harassment

- 6.1 Third-party harassment occurs where a person is harassed or 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 in connection with their work. Third-party harassment could include, for example, unwelcome sexual advances from a parent, pupil, supply staff or supplier visiting the Trust's premises, or where a person is visiting a pupil, another school, Local Authority or supplier's premises or other location in the course of their employment.
- 6.2 While an individual cannot bring a claim for third party harassment, the law requires us to take reasonable steps to prevent sexual harassment by third parties. It can still result in legal liability and will not be tolerated. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.
- 6.3 Any sexual harassment by a member of staff against a third party may lead to disciplinary action up to and including dismissal.
- 6.4 The Trust will take active steps to try to prevent third-party sexual harassment of staff. These may include warning notices in all of the Trust and school reception

areas, writing to parents, third party notices to reiterating expected standards of behaviour in line with this policy.

- 6.5 If any third-party harassment of staff occurs, the Trust will take steps to remedy any complaints and to prevent it happening again. This may include warning the harasser about their behaviour, excluding the harasser from Trust grounds, excluding pupils, reporting any criminal acts to the police, and sharing information across the Trust.

7. If you are being Sexually Harassed: Informal Steps

- 7.1 If you are being sexually harassed, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult, you should speak to your Headteacher or a member of the Trust's HR Team, who can provide confidential advice and assistance in resolving the issue formally or informally. If you feel unable to speak to your Headteacher because the complaint concerns them, you should speak informally to the Chief Executive Officer or the Trust's HR Team. If this does not resolve the issue, you should follow the formal procedure below.
- 7.2 If you are not certain whether an incident or series of incidents amounts to sexual harassment, you should initially contact your Headteacher or the Trust's HR Team informally for confidential advice.
- 7.3 If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out below, or alternatively refer to the Trust's Grievance Procedure.

8. Raising a Formal Complaint

- 8.1 If you wish to make a formal complaint about sexual harassment, you should submit it in writing to your Headteacher. If the matter concerns your Headteacher, you should submit it to the Chief Executive Officer. If the matter concerns the Chief Executive Officer, you should submit it to the Chair of the Trust Board or the Trust's HR Manager.
- 8.2 Your written complaint should set out full details of the conduct in question, including the name of the harasser, the nature of the sexual harassment, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- 8.3 If you wish to make a formal complaint about victimisation, you should submit it in writing to your Headteacher. If the matter concerns your Headteacher, you should

submit it to the Chief Executive Officer. If the matter concerns the Chief Executive Officer, you should submit your complaint to the Chair of the Trust Board or the Trust's HR Manager.

- 8.4 Your written complaint should set out full details of the conduct in question, including the name of the person or persons you believe have victimised or harassed you, the reason you believe you have been victimised or harassed, the nature of the victimisation or harassment, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- 8.5 As a general principle, the decision whether to progress a complaint is up to you. However, the Trust have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, the Trust consider it appropriate to do so.

9. If you Witness Sexual Harassment or Victimisation

- 9.1 Staff who witness sexual harassment or victimisation 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.
- 9.2 All witnesses will be provided with appropriate support and will be protected from victimisation.

10. Formal Investigations

- 10.1 The Trust will investigate complaints in a timely, respectful and confidential manner. The Trust will nominate a senior manager to be the investigating officer. Individuals not involved in the complaint, or the investigation should not be told about it. The Trust's HR Team will provide support throughout the investigation.
- 10.2 A meeting with the investigating officer, will be arranged with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation.
- 10.3 Where your complaint is about an employee, the Trust may consider suspending them on full pay or making other temporary changes to working arrangements

pending the outcome of the investigation, if circumstances require. The investigating officer will also meet with the alleged harasser who may also be accompanied by a colleague or trade union representative of their choice to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

- 10.4 Where your complaint is about someone other than an employee, such as a parent, pupil, supply staff or visitor, the Trust will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, the Trust will attempt to discuss the matter with the third party.
- 10.5 The Trust will also consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours to avoid or minimise contact with the alleged harasser.
- 10.6 It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.
- 10.7 At the end of the investigation, the investigating officer will submit a report to a Headteacher (or the Chief Executive Officer if the matter concerns a Headteacher, or the Chair of the Trust Board should the matter concern the Chief Executive Officer). The Headteacher (or Chief Executive or Chair of the Trust Board) will arrange a meeting with you, usually within a week of receiving the report, in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. A copy of the report and the Headteachers (or Chief Executive or Chair of the Trust Board) findings will be given to you and to the alleged harasser.

11. Action Following the Investigation

- 11.1 If the Trust considers that there is a case to answer and the harasser is an employee, the matter will be dealt with as a case of possible misconduct or gross misconduct under the Trust's Disciplinary Policy & Procedure. The investigation into your complaint may be put on hold pending the outcome of the Disciplinary Procedure. Where the disciplinary outcome is that sexual harassment occurred, prompt action will be taken to address it. If the harasser is a third party, such as a parent or contractor or other visitor, the Trust will consider what action would be appropriate to deal with the problem, including whether it is appropriate to take reasonable steps to ban them from the Trust premises.

- 11.2 Whether or not your complaint is upheld, the Trust will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation or counselling, or to change the duties, working location or reporting lines of one or both parties.

12. Appeals

- 12.1 If you are not satisfied with the outcome you may appeal in writing to the Chief Executive Officer (or Chair of the Trust Board if the Chief Executive Officer dealt with the investigation), stating your full grounds of appeal, within 5 working days of the date on which the decision was sent or given to you in writing.
- 12.2 The Trust will hold an appeal meeting, normally within one week of receiving your written appeal. Where practicable, the appeal hearing will be conducted by a different Headteacher or Senior Manager (or Trustee in a matter concerning the Chief Executive Officer) who has not been previously involved in the case and is senior to the individual who conducted the previous meeting. They may ask anyone previously involved to be present. You have the right to bring a colleague or trade union representative to the meeting.
- 12.3 The Trust will confirm the final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

13. Malicious Complaints

- 13.1 Any staff member who deliberately provides false information in bad faith, or who otherwise acts in bad faith as part of an investigation, may be subject to action under the Trust's Disciplinary Procedure. However, you will not be disciplined or treated detrimentally because your complaint has not been upheld.

14. Protection and Support for those Involved

- 14.1 Staff who make complaints, report that they have witnessed wrongdoing, or who participate in good faith 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 the Trust's Disciplinary Procedure.
- 14.2 If you believe you have suffered any such treatment you should inform your Headteacher or the Trust's HR Team. If the matter is not remedied, you should raise it formally using the Trust's Grievance Procedure or this procedure if appropriate.
- 14.3 The Trust will monitor the treatment and outcomes of any complaints of sexual harassment or victimisation that are received 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, cultural clashes are identified and resolved, and workforce training is targeted where needed.

14.4 The Trust offer access to a confidential external counselling service, which is available on request for anyone affected by, or accused of, sexual harassment. This is available from the Trust's HR Team.

14.5 Support and guidance can also be obtained from your trade union and the following external services:

- The Equality Advisory and Support Service (www.equalityadvisoryservice.com).
- Protect (www.protect-advice.org.uk).
- Victim support (www.victimsupport.org.uk).
- Rape crisis (www.rapecrisis.org.uk).
- Rights of women (England and Wales) (www.rightsofwomen.org.uk).

15. Reporting Outcomes, Confidentiality and Record-keeping

15.1 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 the Trust's Disciplinary Procedure.

15.2 When appropriate and possible, where a complaint is upheld, the Trust will advise the complainant of the action that has been taken to address their specific complaint and any measures put in place to prevent a similar event happening again.

15.3 Information about a complaint, or about a staff member may be placed on their HR file, along with a record of the outcome and of any notes or other documents compiled during the process.

16. Training

16.1 All employees are required to undertake sexual harassment training, to increase knowledge of what constitutes sexual harassment as well as how to report alleged incidents.

16.2 Training will be provided to Headteachers/senior leaders to ensure they have the knowledge to recognise sexual harassment and have the confidence to intervene

early and to understand the appropriate routes for resolution and when informal or formal methods can be used to best effect. Training will ensure that Headteacher/senior leaders feel comfortable to support those impacted by sexual harassment, including bystanders who may witness harassment as well as those who are accused of it.

- 16.3 The Trust will ensure that training is regularly updated and refreshed and delivered to all Trust employees.

17. Review

- 15.1 The policy will be reviewed every 3 years in consultation with the Trust Board and with the recognised Trade Unions.