



(Prevention of) Sexual Harassment in the Workplace Policy

Version 1

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<p>Target Audience:</p>	<p>All staff, Agency Workers, Third Party contractors and visitors</p>
<p>Related Documents:</p>	<p>Data Protection Policy Disciplinary Policy Equality, Diversity and Inclusion Policy Expectations and Code of Conduct Grievance Procedure ICT Acceptable Use Policy Whistleblowing Policy Sexual Harassment Risk Assessment</p>

Contents

Section	Page
Policy Statement	3
1. Purpose and Scope	3
2. Roles and Responsibility	4
3. Definitions	5
4. Preventing Sexual Harassment	6
5. Third Party Sexual Harassment	6
6. Reporting Incidents of Sexual Harassment	7
7. Witnessing an Incident of Sexual Harassment	7
8. Training	8
9. Case Review	8
10. Record Keeping	8
11. Monitoring compliance with and effectiveness of the policy	8
12. Policy Review	8

POLICY STATEMENT

We are here to make great schools and happier, stronger communities so that people have better lives. We will always:

- Do what is right
- Stand shoulder to shoulder
- Focus on quality in everything we do

This policy sets out The Education Alliance's responsibilities and expectations under the Worker Protection (Amendment of Equality Act 2010) Act 2023. TEAL values all its people and believes that they should be able to come to work in an environment that respects the individual and that is free of sexual harassment and intimidation.

1. PURPOSE AND SCOPE

This policy sets out TEAL's responsibilities and expectations under the Worker Protection (Amendment of Equality Act 2010) Act 2023. TEAL is committed to promoting equality and diversity of opportunity for all throughout our policies, procedures and guidelines, ensuring all are protected from unlawful direct or indirect discrimination resulting from a protected characteristic (e.g. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

TEAL has a duty in law to ensure the workplace takes all reasonable steps to ensure it is free from sexual harassment. TEAL is responsible for preventing the sexual harassment of its employees and any volunteers, job applicants or any contractor working at any TEAL setting.

All concerns will be thoroughly investigated. Employees who are found to have been engaging in behaviour which amounts to sexual harassment will be dealt with under TEAL's Disciplinary Policy, and any unlawful action found will be reported to the appropriate authority.

TEAL recognises that sexual harassment may be experienced or perpetrated by a third party, including;

- Pupils;
- Parents/Carers;
- Contractors;
- Visitors;
- Volunteers ;
- Trustees;
- Governors;
- Workers from other organisations.

2. ROLES AND RESPONSIBILITIES

The **Resources and Finance Committee** is responsible for ensuring this policy is reviewed and approved. Trustees may also be involved in any formal action which may result from any reported incident of sexual harassment arising under this policy in line with the scheme of delegation. The

Committee will receive a report on the effectiveness of this policy in line with policy review periods and will monitor its application.

The **CEO** is responsible for ensuring employees' wellbeing is managed and that all employees are treated fairly and consistently across TEAL. The CEO embodies TEAL's values, and their actions exemplify TEAL's culture.

Headteachers and senior leaders are responsible for the application of this policy within their respective schools/setting. They ensure that any reported concerns are effectively managed and that this and related policies are shared with all staff. Headteachers and Senior Leaders are also responsible for identifying risks in relation to preventing sexual harassment in their school/setting. They will ensure all staff have access to appropriate training to enable them to apply this policy fairly, consistently and professionally.

The **HR Team** is responsible for overseeing the introduction, monitoring and review of this policy and will report any incidents as they arise to the CEO. The team will be a point of contact for all staff and will provide advice and guidance in the fair and consistent implementation of this policy, ensuring that all relevant employment legislation and statutory guidance is adhered to. The HR Team will take the lead on conducting regular risk assessments with Headteachers and Senior Leaders and will support them with the provision of regular training.

Employees are expected to behave appropriately, treat their colleagues with dignity and respect and ensure a working environment free of harassment, bullying and intimidation. All staff are duty-bound to comply with this policy in line with the Worker Protection (Amendment of Equality Act 2010) Act 2023 and help TEAL comply with its legal duties. They must be committed to keeping the workplace free of attitudes and behaviours which may cause offence to others. Employees must assist TEAL in investigating and dealing with cases of sexual harassment by giving evidence in investigations or hearings.

Third Parties are expected to behave appropriately, treat employees of TEAL with dignity and respect and ensure an environment free of harassment, bullying and intimidation. All third parties, whilst on a TEAL site are expected to comply with this policy.

3. DEFINITIONS

Sexual Harassment is unlawful, unwanted behaviour of a sexual nature which either violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for someone.

Sexual harassment can happen if the behaviour has one of the above effects or was intended to have one of these effects.

Sexual harassment can happen either at work (whether onsite or at home) or outside of work, for example, during a social event. It may happen in person or through other forms of communication, such as text, email, or social media.

Sexual harassment can happen to anyone - men, women, and people of any gender identity or sexual orientation.

Behaviour that could be considered sexual harassment can include, but is not limited to:

- Sexual comments or jokes or so-called ‘banter’;
- The display or circulation of pornography;
- Displaying sexually graphic pictures, posters or photos;
- Suggestive looks, staring or leering;
- Propositions and sexual advances;
- Requests or demands for sexual favours;
- Sexual gestures;
- Intrusive questions about a person’s private or sex life or a person discussing their own private or sex life;
- Sexual posts or contact on social media;
- Spreading rumours about a person;
- Sending sexually explicit emails or text messages;
- Sexual assault, including unwelcome touching, hugging, massaging or kissing.

It must be recognised that it is how the recipient perceives such behaviour, not the intent of the person accused of the harassment. It is important to remember that it is the perception of the recipient in determining whether there could be a case which amounts to sexual harassment.

Sexual harassment can occur within unequal relationships, so any reports indicating any abuse of power or imbalance in relationships will be considered when determining the appropriate course or level of investigation and remedial action to be taken.

4. PREVENTING SEXUAL HARASSMENT

The Worker Protection (Amendment of The Equality Act -2010) Act 2023 places more emphasis on employers actively preventing sexual harassment in the workplace. TEAL has undertaken a risk assessment concerning sexual harassment in the workplace and this will be reviewed regularly to ensure the control measures in place are having the desired effect. The HR Team will also record details of all reported incidents, which will be reported to Trustees together with the action taken to remedy and prevent further incidents.

In addition to the above, further action to prevent sexual harassment within TEAL includes:

- An annual, anonymous survey to understand the trust culture and about any experiences of sexual harassment, particularly those that have not been reported;
- Risk assessments;
- Provision of employee support via The Employee Assistance Program (EAP);
- Specific remedial action is to be determined on a case-by-case basis in the event of any investigated incidents of sexual harassment.

5. THIRD PARTY SEXUAL HARASSMENT

Sexual harassment may be perpetrated by third parties. Third parties are defined in section 1. TEAL will not tolerate sexual harassment of its employees by a third party, nor does it tolerate sexual harassment of a third party by a TEAL employee.

TEAL’s commitment will be included in relevant school/procurement policies/letters of assurance and visibly displayed in public/reception areas. In addition to this, visitors and contractors will be provided with information as to how they can comply with this policy. This policy will be accessible to third parties via the TEAL website and distributed annually.

TEAL is committed to ensuring that any report of sexual harassment of a third party by a TEAL employee will be investigated under TEAL's Grievance Procedure or the Disciplinary Policy. Where any harassment of an employee happens by a third party, this will be reported to the employing company, and a plan will be agreed with them to investigate and prevent recurrence.

6. REPORTING INCIDENTS OF SEXUAL HARASSMENT

Sexual harassment should be reported by any employee who has either been a victim of sexual harassment or who believes they have witnessed sexual harassment. Witnesses should report incidents as they perceive them. Reports can be made either informally or formally. Where concerns relate to a member of staff, these should be raised to the Headteacher/Director/equivalent. In the event of concerns relating to the Headteacher/Director/equivalent, they should be raised with the CEO; if relating to the CEO, escalated to the Chair of the Trust Board.

All reports made will be taken seriously, and thoroughly investigated. Leaders must inform the HR team who will advise on the next steps.

All parties affected by a report of sexual harassment are offered the following assurances:

- All reports will be taken seriously and be thoroughly investigated;
- The trained investigator will remain impartial;
- Full support will be provided to all parties affected, either internally or via the EAP;
- TEAL will work with all parties to effectively resolve any issues raised and, where possible, work to rebuild relationships.

Confidentiality will be maintained as far as possible; however, in consultation with the Designated Safeguarding Officer it may be necessary to alert any third parties (such as the Local Authority Designated Officer (LADO) or the police where it is a potential criminal matter. Prior to informing the Police, specialist advice will be sought and affected employees will be supported at all times.

The findings of the investigation will determine the action that is taken. Where serious and/or gross misconduct is found in line with the Disciplinary Procedure, in consultation with the DSL and HR team, the manager will consider whether any behaviours meet the threshold of reporting matters to the Local Authority Designated Officer (LADO), Teacher Regulation Agency (TRA) and/or the Disclosure and Barring Service (DBS).

7. WITNESSING AN INCIDENT OF SEXUAL HARASSMENT

If any employee witnesses any behaviour they believe to be sexual harassment, they should be assured that they will be supported at all times, and they should be encouraged to talk to someone about what they have seen as soon as reasonably possible.

The concern should be reported as soon as possible using the mechanisms identified in section 6 of this policy. The witness may also make a complaint themselves as what they have seen may have created an offensive working environment and may have violated their own dignity. The witness should be aware that they will be required to formally give evidence as part of the investigation and as part of any formal proceedings.

Following an incident, the witness should be provided with every support available.

Feedback on the outcome of an investigation will be provided to all parties concerned as appropriate and will include remedial action to prevent any similar recurrences.

8. TRAINING

All staff will receive training in recognising and preventing behaviours which could be perceived as sexual harassment. Headteachers and Senior Leaders will receive more in-depth training on preventing sexual harassment. The HR Team and Investigating Officers will receive training on investigating and responding to reported concerns.

Training will start at induction and will be reinforced through regular briefings on employment policies and procedures. Whenever an incident is reported, TEAL will review the training given, and re-training and other remedial action will be taken.

9. CASE REVIEW

Following an investigated incident of sexual harassment, part of the remedial action will include a case review, to be led by the Director of People and HR in partnership with the CEO. They will work with the investigating officer to review the facts of the case, identify any learning points and agree on future actions to prevent further occurrences. Outcomes will be included in the policy impact report shared with the Resources and Finance Committee.

10. RECORD KEEPING

TEAL will keep accurate records of all training and monitoring in line with GDPR legislation to ensure that they are fulfilling their legal obligations and can demonstrate that they have been proactive in their approach to preventing sexual harassment in the event of a complaint of harassment to a tribunal or court of law.

11. MONITORING COMPLIANCE WITH AND EFFECTIVENESS OF THE POLICY

Effectiveness and compliance of this policy will be monitored by the HR team, sharing information with the Executive Board and the Resources and Finance Committee.

12. REVIEW

As this policy is new it will be reviewed within 12 months of the date of implementation.