

Prevention of Sexual Harassment at Work Policy

1. **POLICY STATEMENT:**

The Learning Trust (The Trust) is dedicated to providing a working environment that is free of harassment and bullying, and where everyone is treated and treats others, with dignity and respect. The Trust will not permit or condone any form of bullying or harassment.

As a responsible and inclusive employer, and in full understanding of our obligations under the Worker Protection (Amendment of Equality Act 2010) Bill effective of 26th October 2024, The Learning Trust is committed to taking reasonable steps to prevent all staff members of The Trust experiencing sexual harassment in the course of their employment and to comprehensively investigating and finding resolution to any alleged acts of sexual harassment.

2. **POLICY SCOPE:**

This policy applies to all staff members of The Trust. For clarity, the term staff member refers to employees, Governors, Trustees, volunteers and anyone subject to a DBS check completed by The Trust. This policy considers sexual harassment occurring 'in the course of employment'. This covers sexual harassment occurring within the workplace but it also covers sexual harassment occurring at a work-related events such as conferences or leaving drinks and acknowledges that The Learning Trust should seek to prevent third-party sexual harassment. While the law does not impose liability for third-party harassment, the Trust will take reasonable steps to prevent sexual harassment by third parties such as visitors, suppliers, or clients, in line with Equality and Human Rights Commission (EHRC).

This policy is non-contractual and does not impact upon an employees statutory rights. The Trust reserves the right to amend, withdraw or replace this policy at any time.

This policy should be read and considered alongside our TLT Dignity at Work Policy.

1. **WHAT IS SEXUAL HARASSMENT?**

- 3.1 The Equality Act 2010 defines sexual harassment as unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Sexual harassment makes the person, or persons, affected feel uncomfortable, threatened or offended. It is the effect that matters

regardless of whether or not the effect was intended. Under the Equality Act 2010 employers have a positive legal duty to take reasonable steps to prevent sexual harassment of their workers.

3.2 A range of behaviours recognised to be forms of sexual harassment are listed below. However, this list is not exhaustive. It is important to bear in mind that sexual harassment covers a very broad spectrum of behaviour, and may not always appear to be overtly sexual in nature, but can include:

- sexual images displayed or shared;
- offensive words or comments;
- demeaning or humiliating behaviour or language;
- references to someone's body;
- intrusive questions about someone's private life;
- stalking, including online stalking;
- sexual gestures, such as simulating sexual acts;
- unwanted touching, such as putting hand on someone's knee or hugging them;
- unwanted sexual attention whether verbal or physical;
- coercing someone into sexual relations through pressure, manipulation or threats, or offering rewards in exchange for sex;
- sexual violence, including rape, or threatening to carry out sexual violence or unwanted sexual acts.

3.3 Sexual harassment is often considered a disciplinary offence and, in some cases may also be a criminal offence. Please refer to the TLT Staff Disciplinary policy for more information.

3.5 Although, statistically, women are more likely to experience or report sexual harassment, it can happen to anyone. Sexual harassment does not always occur in plain sight. It can happen in-person and online, and outside of as well as during working hours. Regardless of when and how it occurs, The Trust will consider any sexual harassment involving employees as a workplace issue and will take action in line with our Disciplinary Policy accordingly.

2. OUR COMMITMENT:

4.1 The Learning Trust will deliver regular training sessions for all employees so that you have comprehensive understanding of what sexual harassment is and your role in preventing and addressing it.

4.2 We will also ensure that additional guidance is provided to the Leadership Team and all line managers to give them the confidence to tackle sexual harassment.

4.3 We will follow a clear, fair and supportive procedure to encourage the reporting of potential or alleged sexual harassment in the course of employment which is described below.

5. LEADING BY EXAMPLE:

5.1 Senior leaders and line managers must foster a culture built on mutual respect where employees feel safe to share their views and raise concerns. The Trust expects leaders and line managers to act as role models by consistently demonstrating respectful and inclusive behaviour. This includes being aware of how their own status and actions may impact on others.

- 5.2 In addition to self-awareness The Trust expects and encourages leaders and line managers to regularly seek and act on feedback from their teams and peers in regard to an inclusive culture actively engaged in preventing sexual harassment.
- 5.3 Preventing sexual harassment requires leaders and line managers to communicate that any form of unfair treatment such as sexual harassment will not be tolerated. Offensive behaviour can sometimes be excused as banter or jokes, so leaders and line managers must maintain high standards, even when they may face criticism for doing so.
- 5.4 The Trust will give appropriate guidance to leadership and line managers to ensure they have the confidence and capability to be proactive and deal with unacceptable behaviour at the earliest possible stage.
- 5.5 As a leader or line manager, you are also well placed to pick up on any underlying tensions that could indicate potentially inappropriate behaviours or attitudes. These may include employees unwilling or reluctant to work together, heated exchanges or perceived favouritism.
- 5.6 The Trust will support leaders and line managers so that they are able to foster a culture of open communication and reinforce values based on dignity and respect as this will enable them to understand and resolve issues in their team proactively, quickly, effectively and impartially.
- 5.7 The Trust is committed to fostering a workplace culture where sexual harassment is understood to be unacceptable, and where all staff feel safe, respected, and empowered to speak up.

6. HOW WE CAN ALL HELP PREVENT SEXUAL HARASSMENT:

- 6.1 We all have a shared responsibility to help create and maintain an environment free of sexual harassment. You can do this by:
- Considering how your own behaviour may affect others, and amending it accordingly;
 - Being receptive, rather than defensive, if asked to modify your behaviour;
 - Treating your colleagues with dignity and respect;
 - Taking a stand if you think inappropriate comments, jokes or behaviour is occurring;
 - Making it clear to others if you find their behaviour unacceptable;
 - Intervening if possible to stop sexual harassment and giving support to others;
 - Reporting sexual harassment or potential sexual harassment in the appropriate manner to either your Headteacher, Line Manager, CEO or a member of the HR Team.

7. WHAT TO DO IF YOU ARE CONCERNED ABOUT SEXUAL HARASSMENT:

- 7.1 The following process can be followed by any employee of The Trust. You can follow this process if you feel you are experiencing sexual harassment or if you witness sexual harassment or have a concern that another colleague may be experiencing sexual harassment.
- 7.2 The Trust commits to treating all allegations of sexual harassment with the upmost seriousness. We will follow a fair and equitable process to ensure all concerns are investigated thoroughly to allow us to resolve matters promptly whilst ensuring all parties are treated sensitively and in a confidential manner.
- 7.3 **Informal approach:**

You may be able to sort matters out informally. The person may not know that their behaviour is unwelcome or upsetting, so an informal discussion may help them to understand the effects of their behaviour and agree to change it.

If you feel able to, tell the person what behaviour you find offensive and unwelcome and say that you would like it to stop immediately. You are encouraged to keep a note of the date and what was said and done. This will be useful if the unacceptable behaviour continues, and you wish to raise the matter formally.

If this is too difficult for you, please speak to your Headteacher, Line Manager, CEO or a member of the HR team for advice and assistance. They may, with your agreement, speak to the person concerned on your behalf or accompany you when you speak to the other person.

If the informal approach is not appropriate, or has not been successful, you should raise the matter formally through our grievance procedure.

7.4 Formal procedure

When any employee feels that they need to deal with an issue of sexual harassment formally, you should make a formal complaint in accordance with the TLT Grievance Policy.

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.

If you wish to make a formal complaint about victimisation, you should submit it in writing to the relevant person as detailed in the TLT Grievance Policy.

We will investigate all complaints of this nature in a timely, confidential and sensitive manner. The investigation will be conducted by someone with appropriate seniority, training and experience and with no prior involvement in the complaint. Details of the investigation and the names of any persons involved will only be disclosed on a 'need to know' basis. We will consider whether any steps are necessary to manage the ongoing employment relationship between all parties involved.

If the report does not come directly from the person being harassed, the nominated investigator will confidentially speak to the person affected and ideally encourage them to report. In cases where individuals are reluctant to report despite encouragement, the investigating manager needs to respect the wishes of the person making the complaint as far as possible.

Once the investigation is complete, the relevant Headteacher or manager will inform all parties (separately) of our decision. Whether or not a complaint is upheld, we will consider how best to manage any ongoing working relationships between all parties. As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

If the manager 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 our Disciplinary Procedure. Our 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 supplier or other visitor, we will consider what action would be appropriate to deal with the problem.

7.5 Supporting the investigation

All reports of sexual harassment should be believed and protecting the person who raised the complaint or who is the recipient of sexual harassment should be paramount. Alongside this, the alleged harasser also needs to be treated fairly in line with procedure and the law.

In some cases, more immediate action may need to be taken, such as suspending or moving the alleged harasser. A member of the HR Team will be able to advise investigating managers on the appropriate course of action. Care must be taken to ensure no action is taken that could be perceived as punishing any person who raises a complaint.

8. IF YOU WITNESS SEXUAL HARASSMENT

8.1 Staff who witness sexual harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

8.1.1 Intervening where you feel able to do so.

8.1.2 Supporting the victim to report it or reporting it on their behalf.

8.1.3 Reporting the incident where you feel there may be a continuing risk if you do not report it.

8.1.4 Co-operating in any investigation into the incident.

8.2 All witnesses will be provided with appropriate support and will be protected from victimisation.

9. PROVIDING SUPPORT

9.1 The Trust understands that reporting sexual harassment takes courage and can be extremely stressful. We will ensure that any individuals raising a concern or complaint are given reassurance and support throughout the process. This support may also need to be extended to any employees who have witnessed sexual harassment.

9.2 As well as providing opportunities to talk, our HR team are trained to signpost employees to relevant services such as occupational health or counselling if appropriate.

9.3 The Trust provides guidance for leaders and line managers to be vigilant for signs of victimisation whereby an employee is treated less favourably because they have reported sexual harassment and will take appropriate action through our disciplinary policy if required.

10. CONSEQUENCES OF A BREACH OF THIS POLICY:

10.1 If after due investigation, we consider that an incident of sexual harassment has occurred, the matter will be dealt with under the disciplinary procedure as a case of possible misconduct or gross misconduct. The person concerned may be suspended on full pay during the investigation until any eventual disciplinary proceedings have been concluded. If the complaint is upheld, a disciplinary sanction may be imposed up to and including dismissal, depending on all relevant circumstances. Aggravating factors such as abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary action to take.

- 10.2 Incidents of sexual harassment may constitute a criminal offence and The Trust may suggest that the matter is reported to the police.
- 10.3 In our commitment to prevent sexual harassment in the course of employment, we will fully analyse any unaddressed risks which were not recognised and could have reasonably prevented any incidents of sexual harassment and put in place any reasonable measures to prevent a recurrence of a similar nature.
- 10.4 If someone makes a complaint which is not upheld, and The Trust has good grounds for believing that the complaint was not made in good faith, we may take disciplinary action against the person who made a false complaint.
- 10.5 Failure to take reasonable steps to prevent sexual harassment may result in increased compensation awards in employment tribunals and enforcement action by the Equality and Human Rights Commission.

11. RECORD KEEPING

Records will be maintained in accordance with the TLT Data Protection Policy and will include documentation of complaints, investigations, outcomes, and preventative actions taken.