Title	ANTI-SEXUAL HARASSMENT POLICY
Author	Director of People
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ANTI-SEXUAL HARASSMENT POLICY

SCOPE AND PURPOSE

1.1 South East Essex Academy Trust ("the Trust") is committed to providing a working environment free from sexual harassment and to ensuring all of our staff are treated, and treat others, with dignity and respect. We take a zero-tolerance approach to sexual harassment. SEEAT has a legal duty to take reasonable steps to prevent sexual harassment of its workers in the course of their employment and will take a proactive approach to identifying and addressing circumstances in which sexual harassment may occur, including risks involving third parties.

WHO IS COVERED BY THIS POLICY

1.2 This policy covers all individuals working for SEEAT or at any of SEEAT's premises irrespective of their status, level or grade. It therefore includes all teachers, support staff, Executive team, Governors, Trustees, officers, consultants, contractors, trainees, homeworkers, casual and agency staff and volunteers (collectively referred to as staff in this policy). It also applies to people who have applied for work with SEEAT (collectively referred to as applicants).

1.3 The policy applies equally to the way we treat pupils, parents of pupils, visitors, clients, customers, suppliers and former staff members (third parties) and the way they, in turn, treat you. SEEAT will take reasonable steps to prevent and minimise the risk of sexual harassment towards staff and applicants by colleagues or third parties, including through appropriate risk assessment, preventative measures and action where concerns arise.

1.4 This policy does not form part of any contract of employment or contract to provide services, and we may amend it at any time. We will monitor the effectiveness of this policy on an ongoing basis and make appropriate changes to it in response to any lessons learned.

WHO CAN BE LIABLE?

1.5 In some situations, SEEAT may be at risk of being held legally responsible for discriminatory acts and/or sexual harassment committed by members of Staff.

1.6 Individual members of staff may in some cases be legally liable if they engage in sexual harassment of other staff members, applicants or third parties, and may be ordered to personally pay an unlimited amount of compensation by a court or employment tribunal. Your attention is also drawn to our Equal Opportunities, Dignity at Work and Social Media polices, which should be read in conjunction with this policy.

1.7 Depending on the circumstances, a staff member or third Party committing an act of sexual harassment may also be committing a criminal offence.

WHO IS RESPONSIBLE FOR THIS POLICY?

1.8 SEEAT has overall responsibility for the effective operation of this policy and for ensuring compliance with discrimination law. Day-to-day operational responsibility, including regular review of this policy, has been delegated to the Headteacher.

1.9 Staff who are involved in management or recruitment, or those who have any questions about the content or application of this policy, should contact the Director of People to request training or further information.

1.10 The Senior Leadership team and managers have a specific responsibility:

1.10.1 to set an appropriate standard of behaviour and lead by example;

1.10.2 to foster a working environment with a zero-tolerance approach to sexual harassment;

1.10.3 to anticipate scenarios when staff may be subject to sexual harassment in the course of their employment, including harassment by third parties, and take reasonable preventative action to address identified risks (see "Risk Assessments" below);

1.10.4 not to ignore or overlook incident(s) of sexual harassment which they witness, or which are reported to them or otherwise come to their attention (whether formally reported or not). They should take responsibility for ensuring that concerns are dealt with appropriately in accordance with this policy, that safeguarding or whistleblowing routes are considered where relevant, and that appropriate steps are taken to prevent recurrence; and

1.10.5 to ensure that the staff that they manage adhere to this policy.

1.11 All staff have a duty to act in accordance with this policy at all times and should not engage in behaviour which may amount to sexual harassment of staff or third parties. This duty extends beyond the workplace and can include behaviour outside of the workplace (e.g. at social functions, or via social media). You must ensure that you familiarise yourself with this policy and must act in accordance with its aims and objectives at all times.

1.12 Staff should disclose any instances of sexual harassment of which they become aware (either towards themselves or others) to their manager or the Senior Leadership team, or through another appropriate route under this policy. Where a disclosure about sexual harassment meets the statutory requirements for a protected disclosure, the worker may also have protection under whistleblowing law and should refer to the Trust's Whistleblowing Policy.

1.13 Staff are required to co-operate fully and promptly in any investigation into sexual harassment (including investigations into their own conduct). This will include disclosing any relevant documents or other evidence to us and attending investigative interviews if required. Anyone who is interviewed as part of such an investigation is expected to be truthful in the answers and evidence they provide and must respect the confidentiality of the process (see 'confidentiality' below).

TRAINING

1.14 All staff will receive appropriate training on equal opportunities and dignity at work, including preventing sexual harassment, recognising inappropriate conduct, bystander responsibilities and how to raise concerns or complaints. Training will be provided at induction where appropriate and refreshed periodically, taking account of identified risks, changes in guidance and lessons learned from incidents or complaints.

1.15 Senior Leaders and managers will additionally receive appropriate training on preventing sexual harassment, responding to reports or incidents, handling concerns sensitively, avoiding victimisation and taking appropriate preventative and interim action. Refresher training will be provided periodically and where a need is identified.

RISK ASSESSMENTS

1.16 We will assess the risk of our staff being exposed to sexual harassment in the course of their employment and identify reasonable steps to minimise those risks and prevent sexual harassment from occurring. This will include risks arising both inside and outside the workplace (e.g. at social functions, conferences or events, during training, when travelling on SEEAT business) and whether face-to-face or remotely (e.g. via social media or messaging). The assessment will include risks arising from colleagues and third parties. Particular risk factors may include, for example:

1.16.1 working one-to-one or lone working;

1.16.2 dealing with third parties;

1.16.3 requirement to travel for work purposes;

1.16.4 school trips;

1.16.5 requirement to socialise with staff or third parties (e.g. at social events, conferences);

1.16.6 the presence of alcohol;

1.16.7 lack of diversity in the team or workforce;

1.16.8 power imbalances; and

1.16.9 job insecurity or other workforce vulnerabilities (e.g. fixed term workers or trainees).

1.17 SEEAT will document identified risks and the preventative measures to be taken, either within existing risk assessments or in a separate assessment as appropriate. Risk assessments and preventative measures will be reviewed periodically and following a relevant incident or complaint, a material change in working arrangements or other circumstances indicating that the risk may have changed.

WHAT IS SEXUAL HARASSMENT?

1.18 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.

1.19 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

1.20 Sexual harassment may be a one-off incident or an ongoing pattern of behaviour. It can happen in person or in other ways, such as through social media or messaging.

1.21 It can occur inside or outside of the work environment, including at social occasions, at conferences or events, during training and/or during work-related trips.

1.22 Sexual harassment may include, for example:

- Flirting, suggestive looks, staring or leering;
- Making sexual remarks about someone’s body, clothing or appearance;
- Asking questions about someone’s sex life or discussing your own sex life;
- Telling sexually offensive jokes;
- Making sexual comments or jokes about someone’s sexual orientation or gender reassignment;
- Spreading sexual rumours about a person;
- Displaying or sharing pornographic or sexual images or other sexual content;
- Making sexual gestures or mimicking sexual acts;
- Making a sexual proposition or sexual advance;
- Making promises in return for sexual favours;

- Sexual posts, messages or comments on social media, in WhatsApp groups or via messaging;

- Touching someone against their will (e.g. hugging them, massaging them or kissing them); and

- Sexual assault or rape.

The above list is non-exhaustive.

1.23 Sexual harassment can happen to, and can be carried out by, anyone. If there is an abuse of power (e.g. between a senior and junior member of staff) this will be considered an aggravating factor. A person may be subject to sexual harassment even if they were not the intended target. For example, there may be a culture of sexual harassment in the workplace that is not specifically aimed at one person – such as sharing sexual images. Staff may still make a complaint of sexual harassment in this situation.

1.24 Some serious cases (e.g. sexual assault or rape) may amount to a criminal offence and justify the involvement of the police.

1.25 In appropriate cases, it may be necessary to report findings of sexual harassment to the TRA and DBS.

WHAT TO DO IF YOU EXPERIENCE SEXUAL HARASSMENT: INFORMAL RESOLUTION

1.26 If you experience sexual harassment, informal resolution is entirely voluntary. You are not required to confront the person responsible or attempt informal resolution before raising a formal complaint. If you feel able and it is appropriate, you may choose to raise the problem informally with the person responsible at the time or later and explain clearly that their behaviour is not welcome or makes you uncomfortable. If this is inappropriate (e.g. you have been sexually assaulted or touched without your consent, or if there is a risk to your safety), or if you would find speaking to the person responsible too difficult or uncomfortable, you should speak to your line manager, the Senior Leadership team or the SEEAT HR Department, who can provide confidential advice and assistance in resolving the issue formally or informally. If you feel unable to speak to your line manager because the complaint concerns them, you should speak to another member of the Senior Leadership team or management or the HR Department. You may move directly to the formal procedure at any stage.

1.27 If you are not sure whether an incident or series of incidents amounts to sexual harassment, you should speak to your line manager or the SEEAT HR Department informally for confidential advice.

1.28 Informal resolution will not usually be appropriate in very serious cases of sexual harassment e.g. several incidents occurring over time, serious abuse of power, unwanted touching without consent, sexual assault or rape.

1.29 If informal steps are not appropriate, or have been unsuccessful, you should follow the formal complaints procedure set out below. If you wish, you can escalate the matter to the formal procedure at any stage.

1.30 Nothing in this policy prevents a worker from raising a concern under the Trust's Whistleblowing Policy. A disclosure that sexual harassment has occurred, is occurring or is likely to occur may qualify for statutory whistleblowing protection where the legal requirements for a protected disclosure are met.

WHAT TO DO IF YOU EXPERIENCE SEXUAL HARASSMENT: FORMAL PROCEDURE

Written complaint

1.31 If you wish to make a formal complaint about sexual harassment that you have experienced or witnessed, you should speak to your line manager or complain in writing under SEEAT's Grievance

Procedure, which will be followed at Stage 1. If the grievance concerns your line manager, you may submit it instead to the Headteacher or the SEEAT HR Department. You should specify that you wish your complaint to be considered under this policy and set out full details of the:

1.31.1 Reason(s) for your complaint;

1.31.2 Name(s) of any individuals involved and/or of any witnesses;

1.31.3 Date(s) and time(s) when any relevant incidents or events occurred;

1.31.4 Any evidence you have to support your complaint; and

1.31.5 Any action that has been taken so far to address the matters complained of.

1.32 In some circumstances, the Trust may need to ask you to clarify the subject matter of your complaint or to provide further information.

1.33 Usually, the decision whether to progress a complaint will be up to you. However, please note that 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 we choose to do this it will be investigated under the procedure for investigations set out in the Trust's Disciplinary Policy.

Investigation

1.34 We will investigate complaints of sexual harassment in a timely and sensitive manner. They will be treated as confidential so far as reasonably possible, and details will be shared only where there is a legitimate need to know, including where necessary to investigate the matter, take safeguarding action, comply with legal obligations or enable the parties to understand and respond to the case. A thorough, impartial and objective investigation will be conducted, wherever possible, by someone with no prior involvement in the complaint. Where we consider it appropriate, we may appoint a suitably trained, independent investigator from outside of SEEAT. The involvement of the police does not prevent our internal investigation from proceeding, but it may lead to some unavoidable delay.

1.35 The investigative process will follow the procedure set out at Stage 1 of the Grievance Policy or the Disciplinary policy as appropriate.

1.36 Anyone who is interviewed as part of, or otherwise involved in, an investigation may suggest the name(s) of other potential witness(es) who may be able to assist the investigation. However, the investigator has the ultimate discretion to decide whether to interview any suggested witnesses. We can require staff members to be interviewed as part of an investigation but if a witness is external (e.g. a parent of a pupil, member of the public, visitor, customer, former member of staff or a supplier), whilst we may ask them to voluntarily co-operate with any investigation, we cannot compel them to do so.

1.37 Any member of staff who deliberately provides information they know to be false, or deliberately acts dishonestly as part of an investigation, may be subject to action under our Disciplinary Procedure. A complaint or allegation that is not upheld will not, by itself, be treated as having been made falsely or in bad faith.

1.38 Where a complaint is about a third party, we will consider what action may be appropriate to protect the complainant and anyone else involved pending the outcome of the investigation, bearing in mind the reasonable needs of SEEAT and the rights of the person under investigation. Where appropriate, we will attempt to discuss the matter with the third party and will review whether additional preventative measures are required.

1.39 We will also consider appropriate interim measures during an investigation, including any request that you make for changes to your own working arrangements. For example, changes may be considered to duties, working hours, work location or reporting arrangements to avoid or minimise

contact with the alleged harasser (whether they are a member of staff or a third party). Interim measures are precautionary, do not indicate that any conclusion has been reached, and should, so far as reasonably practicable, avoid unnecessarily disadvantaging the complainant.

Action following the investigation

1.40 The Grievance Manager will review all evidence before reaching a decision as to whether any complaint of sexual harassment is upheld. If a complaint is upheld, prompt action will be taken to address the problem.

1.41 We will seek to learn lessons from the incident(s) to allow us to take appropriate steps to minimise the risk of sexual harassment recurring. If a complaint relates to the conduct of a member of Staff, action may be taken against them under our Disciplinary Procedures. If there has been an abuse of power, this will be an aggravating factor when considering any disciplinary sanction.

1.42 If the investigation has been carried out under the Disciplinary procedure to begin with, then the Investigating Officer will review all evidence before reaching a decision as to whether there is a case to answer in a Disciplinary hearing.

1.43 Whether or not your complaint is upheld, if the alleged harasser is a member of staff, we 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 and/or counselling, or to change the duties, working location or reporting lines of one or both parties. If the harasser is a third party, we will consider what action would be appropriate to deal with the problem and minimise the risk of recurrence.

Appeal

1.44 If the complaint is raised under the Grievance Policy and the complainant is not satisfied with the outcome, they can appeal the decision under Stage 2 of that Policy.

CONFIDENTIALITY AND DATA PROTECTION

1.45 Confidentiality is very important and everyone involved in the procedure is expected to respect the confidentiality required for a fair and effective process. Details of an investigation and the identities of those involved should only be disclosed where there is a legitimate need to know. Nothing in this policy prevents a person from making a lawful disclosure, raising a safeguarding concern or protected disclosure, reporting a suspected criminal offence, obtaining confidential professional or legal advice, co-operating with a regulator or law-enforcement body, or exercising a statutory right. Unauthorised or inappropriate disclosure of confidential information may give rise to disciplinary action under our Disciplinary Procedure.

1.46 Information about a complaint by, or about, a member of staff may be placed on their personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Privacy Policy.

PROTECTION FOR THOSE BRINGING A COMPLAINT OF SEXUAL HARASSMENT OR ASSISTING IN AN INVESTIGATION

1.47 Staff who make complaints, raise concerns or participate in good faith in any investigation conducted under this policy will not suffer retaliation or victimisation as a result. This includes workers who make a qualifying disclosure about sexual harassment under whistleblowing law. If you believe you have suffered any such treatment, you should inform your manager, the Director of People or use another appropriate reporting route, including SEEAT's Whistleblowing Policy where applicable.

1.48 Where a member of staff is found to have victimised a complainant because they have raised a complaint, or a witness because they have given evidence in relation to a complaint, this will result in disciplinary action up to and including dismissal.

1.49 We offer access to confidential counselling, via SEEAT's Employee Assistance Programme, which is available on request for anyone affected by, or accused of, bullying or harassment.

MONITORING, EVALUATION AND REVIEW

1.50 The policy will be promoted and implemented throughout SEEAT.

1.51 SEEAT will monitor the operation and effectiveness of the arrangements referred to in this policy. Monitoring may include, as appropriate and while preserving confidentiality, completion of training, identified risk factors and risk assessments, reports and complaints, recurring themes, actions taken and the effectiveness of preventative measures. Relevant learning will be used to review risk controls, training and related policies.

1.52 SEEAT will review this policy at least every two years and sooner where there is a significant change in legislation or guidance, a material change in identified risk, or learning from an incident or complaint indicates that an earlier review is appropriate.