RIVERMEAD INCLUSIVE TRUST

inspiring the journey for independence together

Anti-Sexual Harassment Policy

Reviewed:

Signed by: _____ _____ (Chair of the Trust)

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1 Policy Statement

Rivermead Inclusive Trust is committed to providing a safe, inclusive and respectful environment that is free from all forms of harassment, including sexual harassment, for all staff, trustees, governors, pupils, parents and third parties.

We recognise our legal duty to take all reasonable and proactive steps to prevent sexual harassment and victimisation, in line with the Equality Act 2010 and subsequent legislative developments. This includes identifying risks, implementing preventative measures, and taking prompt and appropriate action where concerns arise.

Sexual harassment will not be tolerated under any circumstances. We are committed to fostering a culture where individuals feel safe to raise concerns and are confident that these will be taken seriously, handled sensitively and addressed appropriately.

This policy applies to conduct in the workplace and in any setting connected to work, including educational environments, school trips, training, online platforms and social media, and interactions with pupils, parents and the wider community.

All members of the Trust community are expected to treat others with dignity and respect and to actively contribute to a working environment in which inappropriate behaviour is challenged and not tolerated.

This policy should be read alongside the Equal Opportunities Policy, Whistleblowing Policy, Safeguarding and Child Protection Policy, Grievance Policy, Disciplinary Policy and Staff Code of Conduct.

Where concerns involve pupils, these will also be managed in line with the Trust's Safeguarding and Child Protection Policy and statutory safeguarding guidance.

2 What is meant by sexual harassment and victimisation?

Sexual harassment is unlawful under legislation including the Equality Act 2010. The Trust also recognises its duty to take all reasonable steps to prevent sexual harassment of workers in the course of their employment, in line with the EHRC Employment Statutory Code of Practice and related technical guidance.

Conduct may be considered a breach of this policy whether or not it meets the legal definition of sexual harassment. Sexual harassment may result in disciplinary action up to and including dismissal.

Sexual harassment is unwanted conduct, physical, verbal or non-verbal, of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading or offensive environment for that person. A single incident can amount to sexual harassment.

In determining whether conduct amounts to sexual harassment, the perception of the individual subjected to the conduct, the circumstances of the case and whether it is reasonable for the conduct to have that effect will all be taken into account. The intention of the individual engaging

in the behaviour is not determinative.

The Trust recognises that power imbalances may exist within educational settings, including between staff and pupils or between staff members, and such factors will be taken into account when assessing behaviour.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- Sexual comments, such as telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance, and calling someone sexualised names
- Sexual "jokes" or taunting
- Physical behaviour, such as deliberately brushing against someone or interfering with someone's clothes
- Displaying pictures, photos or drawings of a sexual nature
- Online sexual harassment, which might include non-consensual sharing of sexual images and videos, inappropriate sexual comments on social media, exploitation, coercion and threats
- Online sexual harassment may be standalone or part of wider patterns of sexual harassment and/or sexual violence.

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 computer in the workplace.

Victimisation 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:

(a) Bringing proceedings under the Equality Act 2010.

(b) Giving evidence or information in connection with proceedings under the Equality Act 2010.

(c) Doing any other thing for the purposes of or in connection with the Equality Act 2010.

(d) Alleging that a person has contravened the Equality Act 2010.

Victimisation may include, for example:

(e) Denying someone an opportunity because it is suspected that they intend to make a complaint about sexual harassment.

(f) Excluding someone because they have raised a grievance about sexual harassment.

(g) Failing to promote someone because they accompanied another staff member to a grievance meeting.

(h) Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.

2.1 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:

2.1.1 In a work situation.

2.1.2 During any situation related to work, such as at a social event with colleagues.

2.1.3 Against a colleague or other person connected to us outside of a work situation, including on social media.

2.1.4 Against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.

2.2 We 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.

2.3 If any sexual harassment or victimisation of staff occurs, we will take reasonable steps to remedy any complaints and to prevent it happening again. Actions may include but are not limited to, the reviewing of relevant policies, further staff training and possibly disciplinary action being taken.

2.4 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. Third-party harassment could include, for example, unwelcome sexual advances from a parent or supplier visiting our premises, or where a staff member is visiting a supplier's premises or other location in the course of their employment.

2.5 Third-party sexual harassment can result in legal liability and will not be tolerated. All staff are encouraged to report any third-party harassment they experience or witness in accordance with this policy. Concerns may also be raised under the Trust's Whistleblowing Policy where the circumstances meet the criteria for a protected disclosure

2.6 Any sexual harassment by a member of staff against a third party may lead to disciplinary action up to and including dismissal.

2.7 We will take active steps to try to prevent third-party sexual harassment of staff. Actions may include but are not limited to, providing regular training for all employees on recognising, preventing and responding to sexual harassment, warning notices are to be displayed in public areas across the trust together with a copy of our Parent Code of Conduct being readily available to view.

2.8 If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. Actions may include but are not limited to, a verbal and/or a written warning, immediate banning from our premises, a report made to authorities for any criminal act and sharing of information with schools within the Trust.

Where patterns of third-party harassment are identified, the Trust will take additional preventative steps, which may include reviewing site processes, communication protocols and staff deployment.

The Trust will take a proactive approach to preventing third-party harassment by identifying situations where staff may be at risk (for example, interactions with parents, carers or external visitors) and implementing appropriate control measures. These may include risk assessments, clear behavioural expectations, staff training, and the application of the Parent Code of Conduct. Where necessary, the Trust will take proportionate action, including restrictions on access to site.

3 Responsibilities

3.1 The Individual

It is the responsibility of all employees to ensure that their behaviour is appropriate to the workplace and does not contribute to the creation of an environment where sexual harassment or victimisation is normalised or encouraged. Employees should challenge sexual harassment or bring it to the notice of management as appropriate.

3.2 Leadership – Members/ Trustees/ Senior Leadership Team/ HT/ HOS/ EHT/ Trust Exec

It is the responsibility of all leadership to take reasonable steps to prevent sexual harassment and take appropriate action against it when necessary. In particular, leadership should:

- as part of their normal responsibilities, be alert to the possibility of sexual harassment or victimisation occurring
- use their judgement in correcting standards of conduct or behaviour which could be seen as offensive, and remind employees of the Trust expectations for staff to behave in a respectful manner
- set out the Trust's policy during induction programmes and raise the issue where necessary at relevant meetings, briefings etc.
- provide a supportive framework for any employee with a complaint of sexual harassment or victimisation
- take prompt action to deal with sexual harassment or victimisation as soon as it is identified
- institute this policy where appropriate and/or disciplinary action where appropriate in line with the Trust disciplinary policy
- treat all cases of sexual harassment or victimisation with appropriate confidentiality
- ensure that appropriate training is provided to all staff on recognising, preventing and responding to sexual harassment, including refresher training where required
- take proactive steps to identify and mitigate risks of harassment within their areas of responsibility
- create a culture where concerns can be raised without fear of reprisal and are addressed promptly
- ensure appropriate records are kept of all reported concerns and actions taken

4 Equality Impact Assessment

In accordance with the Equality Act 2010 and the Public Sector Equality Duty, the Trust has a responsibility to eliminate discrimination, advance equality of opportunity and foster good relations between individuals who share protected characteristics and those who do not.

5 Implementing the policy

Further information is included in this policy on the procedures for dealing with sexual harassment and victimisation, together with detailed guidance for managers and for employees.

It falls, in particular, for Senior Leadership, Headteachers, Trustees and managers to set the standards and do all they can to ensure that staff and potential staff are treated fairly and courteously and are given the support and respect they need to do their jobs. They should also:

- ensure that employees are aware of the policy and the notes of guidance and that it is covered in discussions during the induction process and at appraisal or supervision meetings.
- implement the policy within their areas of responsibility and provide appropriate awareness and training on the key issues.
- ensure that all employees are aware of the Care First Counselling Service and that appropriate support is signposted where needed

It follows that all employees can contribute to maintaining good working relationships and therefore help encourage dignity and respect at work. Whilst being encouraged to raise any concerns they may have, employees should understand that many management activities, such as instigating disciplinary proceedings, monitoring performance, dealing with attendance issues, changing deadlines and priorities, if handled reasonably and fairly do not constitute harassment or bullying.

There are other policies and procedures which can help support dignity and respect at work and good working environments. These include:

- Whistleblowing Policy
- Health and Safety Policy
- Equal Opportunities Policy

This policy and supporting guidance will be reviewed on a regular basis and updated in light of statutory developments and the operation of the Policy.

The Trust will monitor the effectiveness of this policy through regular review of incidents, staff feedback and training outcomes, in order to identify trends and take preventative action where necessary.

The Trust will periodically assess the risk of sexual harassment occurring within its settings and take appropriate preventative action where risks are identified.

5.1 Dealing with allegation of sexual harassment

For the purposes of these procedures, the definitions set out in Section 2 of this policy apply. The following examples are provided to support understanding of how sexual harassment may present in practice:

Harassment is unwanted behaviour which affects the dignity of men and women in the workplace,

and which the recipient finds threatening, demeaning or offensive, even if this is not the intention behind it.

Harassment can be direct, indirect, blatant or subtle. It may be persistent or an isolated incident. It can be based on a person's disability, sex, gender identity, sexual orientation, race, age, religion or other personal circumstances. It can take the form of intimidation, particularly against those who are viewed to be in a vulnerable position either socially or physically or because, in the work context, of their relationship to the perpetrator of the harassment.

Fun and jokes in social interaction at work, provided they are acceptable to the recipient, may well not constitute harassment, but sensitivity needs to be exercised.

Harassment can take many forms. Some general examples of unacceptable harassing behaviour include:

Physical - physical contact, ranging from unnecessary touching, patting or brushing against someone, indecent assault, physical attacks or threats.

- intrusive or anti-social behaviour such as staring, pestering, unwarranted spying, offensive gestures or body language.

Verbal - the threat of dismissal, loss of promotion, benefits of other entitlements etc., as a result of refusal of sexual or other favours; or

- coercion to participate in political, religious or other social groups.

- subjecting someone to ridicule or insults because of their gender or sexual orientation, e.g. sexist or homophobic remarks.

- subjecting someone to ridicule or insults because of their race, religious beliefs, cultural beliefs or personal appearance.

- jokes or verbal abuse of a sexist, racist or ageist nature.

- the use of offensive language or gossip.

- continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome.

- the display or circulation of sexually suggestive material, offensive posters, graffiti, emblems, badges, e-mails, etc.

Sexual harassment does not always occur in face-to-face communication, but can take the form of written communications, e-mail or telephone.

It is not always easy to recognise sexual harassment, and employees may be anxious about the responses if they make a complaint. People who are sexually harassed often feel very isolated and very vulnerable, and complaints are rarely made lightly. They can experience a loss of

selfconfidence, ill health and stress. Their work performance and the efficiency of the organisation can also be affected.

5.2 Procedures for Dealing with Complaints of Sexual Harassment

The complainant should be advised to record details of the alleged incident(s) and to continue to record any further incidents. Before reaching a decision about what course of action to take, it is important to gather as much advice and information as possible and to be aware of all the options available.

It is in everyone's interest for a mutually agreeable resolution to be found as soon as possible, and unless there are exceptional complicating factors the aim should be to complete the process within a month.

Where other recognised procedures, e.g. capability, disciplinary, are already underway, they should continue, unless suspension of that process is appropriate.

However, when sexual harassment issues are raised as part of these other procedures, it is essential that employees are given the opportunity of having them dealt with fairly and impartially, and managers must seek advice from Trust HR in these circumstances.

Formal complaints of sexual harassment will normally be managed in accordance with the Trust's Grievance Procedure, with appropriate adjustments made to ensure sensitivity, confidentiality and fairness.

5.3 Informal Approach

If you are being sexually harassed, consider whether you feel able to initially raise the matter informally directly with the person responsible. You should explain that you find their behaviour unacceptable and you wish it to stop. This may be done orally or in writing. In some cases, this may be all the action that is required to mutually resolve the matter because the person responsible may be genuinely unaware that their behaviour caused offence.

If this is too difficult, you should speak to your Line Manager or the 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 informally to the HR Department. If this does not resolve the issue, you should follow the formal procedure below.

If you are not certain whether an incident or series of incidents amounts to sexual harassment, you should initially contact your Line Manager or the HR Department informally for confidential advice.

If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out below or refer to our Grievance Procedure.

Employees are not required to attempt to resolve concerns informally and may choose to proceed directly to the formal process.

5.4 **Formal Procedures**

If you wish to make a formal complaint about sexual harassment and/or victimisation, you should submit it in writing to your Line Manager or the HR Department. If the matter concerns your Line Manager, you should submit it to the HR Department.

Your written complaint should set out full details of the conduct in question, including the name of the harasser or person(s) you believe have victimised you, the nature of the sexual harassment or reason you believe you have been victimised, 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.

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.

Formal investigation:

We will investigate complaints in a timely, respectful and confidential manner. Information will be shared strictly on a need-to-know basis to ensure confidentiality is maintained, whilst allowing a fair and thorough investigation to take place.

We will arrange a meeting 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. We may instruct an independent external investigator with appropriate expertise, or an appropriate manager may investigate.

Where your complaint is about an employee, we 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 investigator 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.

Where your complaint is about someone other than an employee, such as a supplier or parent, we 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 Trust and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

We 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.

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 (subject to any personal legal or regulatory obligations or rights). You should not speak to witnesses about your complaint whilst investigations are on-going.

At the end of the investigation a report will be submitted to allow the nominated person to consider your complaint. They will arrange a meeting with you, usually within a week of receiving the report, in order to discuss the findings and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting.

- Any investigation must be seen to be objective and independent. It is therefore important that managers think carefully about the appropriateness of who should make enquiries and decisions, the recording of any meetings that take place etc., especially if it is necessary to talk to any other staff who may be involved or affected.
- Both parties are entitled to the same advice and support and should be advised to contact appropriate sources of help. This may be their line manager, whistleblowing officer or trade union representative. **All parties must be aware of the need for confidentiality, and of an agreed framework for record keeping.**
- The complaint should be discussed separately with the complainant and the person against whom the complaint is made and full statements taken from each. Both can be accompanied by a trade union representative or workplace colleague. It is the investigating officer's responsibility to make them aware of their right to support and representation.
- If it is necessary to hold any interviews with the complainant's work colleagues in connection with the investigations **any colleagues that are interviewed must be reminded of confidentiality.**
- If the complaint is upheld, a monitoring programme should be established after the case has been resolved to ensure there is no further harassment. The monitoring should take place at regular planned intervals and allow for staff to talk through and review the changes made.

A plan chart of the process is attached at Appendix 1.

5.5 Mediation

In many cases a successful resolution can be achieved at the end of informal discussion or a formal investigation. For some however, mediation may be the means to a solution. Mediation helps the parties agree a course of action and a solution and can be used at any point in the process. It may also save 'face' for those involved, most of whom will be glad of a way out that stops the harassment or victimisation. For details of mediation services available contact the HR team.

All mediators are fully trained and experienced.

Meetings with a mediator will normally take place outside of the Trust's premises.

5.6 Outcome

The external investigator or nominated manager will compile a report and recommend the course of actions they consider to be appropriate, which could include:

- the complaint appears to lack substance, and no further action should be taken.
- the complaint is not upheld, although there are still issues to resolve.
- the complaint has substance, and the person against whom the allegation has been made

should be the subject of formal action.

- where there is clear evidence that a complaint has been made in bad faith, this may be addressed under the Disciplinary Procedure. However, no action will be taken against an individual where a complaint is not upheld but was made in good faith.

Usually, a separate manager not involved in investigations will decide what action is appropriate based on the investigations that have been undertaken, the outcome and recommendations. That manager will meet with you to discuss the report, the managers decision in respect of its implications and any consequent action should be discussed with both the complainant and the person against whom the complaint has been made, and, where appropriate with the management concerned. Management must either act on the recommendations or identify a suitable and justifiable alternative approach to them.

If the nominated 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 parent or other visitor, we will consider what action would be appropriate to deal with the problem.

Whether or not your complaint is upheld, 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 or counselling, or to change the duties, working location or reporting lines of one or both parties.

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 our Disciplinary Procedure. However, you will not be disciplined or treated detrimentally because your complaint has not been upheld.

If a complaint is upheld, where appropriate to do so, the complainant will be told what action has been taken to address this and any measures put in place to prevent similar action happening in the future.

If the complaint is upheld, the following action will be considered:

- keeping the complainant 'safe'.
- making sure the perpetrator is made fully aware of the effect that their behaviour has on others.
- helping the perpetrator to change his/her behaviour style.

Most complainants want to get back to their job although some may feel that a change is necessary while their confidence is rebuilt. Any change should not lead to a disadvantage for the complainant.

An agreed monitoring plan should be drawn up at the conclusion of the investigation, whether the complaint was founded or not, but particularly to confirm that harassing behaviour has stopped and that no victimisation occurs.

Any disciplinary hearing against a perpetrator or complainant should be held under the RIT school's formal

Disciplinary Procedure.

A record of the investigation and the outcome must be kept. Where formal action is taken against a particular individual(s) a copy of all the records, including any disciplinary action, must be kept on their personal file(s).

Consideration will also be given to the wellbeing of all parties involved, both during and after the process.

5.7 **Appeal**

If you are not satisfied with the outcome you may appeal in writing to the HR Department, stating your full grounds of appeal, within five working days of the date on which the decision was sent or given to you.

We will hold an appeal meeting, normally within one week of receiving your written appeal. Where practicable, the appeal hearing will be conducted by a manager who has not been previously involved in the case and, if possible 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.

We will confirm our 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.

Protection and support for those involved

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 our Disciplinary Procedure.

If you believe you have suffered any such treatment you should inform your Line Manager or the HR Department. If the matter is not remedied, you should raise it formally using our Grievance Procedure or this procedure if appropriate.

We will monitor the treatment and outcomes of any complaints of sexual harassment or victimisation we receive 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.

We offer access to confidential counselling provide by Care First, which is available on request for anyone affected by, or accused of, sexual harassment. This is available 24 hours a day, 7 days a week, 365 days a year. The helpline number is 0800 174319.

5.8 Support and guidance can also be obtained from the following external services:

5.8.1 The Equality Advisory and Support Service (*www.equalityadvisoryservice.com*).

5.8.2 Protect (*www.protect-advice.org.uk*).
5.8.3 Victim support (*www.victimsupport.org.uk*).
5.8.4 Rape crisis (*www.rapecrisis.org.uk*).
5.8.5 Rights of women (England and Wales) (*www.rightsofwomen.org.uk*).

Support will also be offered to individuals during and after the process, which may include adjustments to working arrangements, access to wellbeing support or referral to Occupational Health where appropriate.

5.9 Reporting outcomes, confidentiality and record-keeping

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 our Disciplinary Procedure.

When appropriate and possible, where a complaint is upheld, we 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.

Information about a complaint by or about a staff member 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 Protection Policy.

All records will be retained in accordance with the Trust's Data Protection Policy and relevant retention schedules.