Telford & Wrekin Council

Schools HR Advisory Service

JOHN FLETCHER OF MADELEY PRIMARY SCHOOL

Sexual Harassment Policy

Introduced	March 2025
Reviewed and Revised	
Consulted the following Trade Unions: ASCL NEU NASUWT NAHT Unison GMB Unite	February 2025
Adopted by John Fetcher of Madeley Governors	June 2025 Reviewed September 2026

1. Introduction

We understand that all workplaces should be free from any form of harassment and at John Fletcher of Madeley Primary we are committed to providing an inclusive and supportive working environment for everyone who works here. This includes a zero-tolerance approach to sexual harassment at work.

Everyone has a part to play in being aware of, preventing and dealing with sexual harassment. This policy sets out the expectations for the behaviour of our employees as well as what we can all do to protect all staff from sexual harassment.

In addition, it also sets out the steps we will take to prevent sexual harassment in our workplace, how employees can report any unwanted behaviours and how we will investigate and deal with complaints of sexual harassment. It will also set out the support available for employees affected by unwanted behaviours.

The school recognises its duty under the Equality Act 2010 and the Worker Protection (Amendment of Equality Act 2010) Act 2023 to take reasonable steps to prevent sexual harassment in the workplace. The school will proactively assess risks, provide training, respond promptly to concerns and take appropriate action to prevent sexual harassment from occurring.

The policy should be read in conjunction with other relevant policies and guidance specifically identified throughout the document.

2. Scope

This policy applies to all school employees. It also applies to casual workers, volunteers, agency workers and job applicants.

Where this relates to the behaviour of students, we will refer to the school's behaviour policy.

3. Policy Commitments

As an inclusive employer, we are committed to:

- Providing a safe culture at work which supports the dignity and respect of all and is free from sexual harassment.
- Taking all necessary steps to prevent sexual harassment in our workplace.
- Educating all Headteachers/line managers, School Governors/Trustees and employees about sexual harassment and their role in developing a culture free from harassment.
- Enabling employees to challenge any unwanted behaviours in the workplace.
- Having an open and non-judgemental approach to disclosure of unwanted behaviours by providing clear reporting and processes.
- Providing prompt and appropriate actions in response to any allegation of sexual harassment, in line with our Disciplinary Policy, School Complaints policy and procedure, Grievance Scheme and zero tolerance policies, together with ACAS best practice guidance and employment legislation, including the Equality Act 2010.
- Providing appropriate support to employees affected by unwanted behaviours.

4. What is sexual harassment

Sexual harassment is **unwanted conduct** of a sexual nature which has the purpose or the effect of:

- violating the person's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

The conduct need not be sexually motivated, only sexual in nature. Unwanted conduct that has one of these effects can be harassment even if the effect was not intended. A single one-off event or a series of incidents can amount to sexual harassment.

The person engaging in unwelcome behaviour does not have to intend to be sexually harassing the other person for the behaviour to be considered sexual harassment. Regardless of what was intended, sexual harassment is defined by the nature and the impact of the behaviour, not the intention behind it. The effect of such behaviour and whether it is unwanted should be considered from the point of view of the person who feels harassed.

A key element of sexual harassment is that it is unwelcome or uninvited.

It is important to note that if a person does not object to inappropriate behaviour at the time, it should not be assumed that they are giving their consent. Consent exists where clear and unambiguous consent has been freely given and continues to be given, it can be withdrawn at any time. It is possible that a person does not object to inappropriate behaviour at the time due to reasons such as:

- Feeling of shame
- Powerlessness
- Embarrassment
- Lack of confidence
- Inability to feel as though they can challenge a colleague or superior

Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted.

Anyone can be a victim of sexual harassment, regardless of their sex, sexual orientation or gender identity or that of the harasser. Sexual harassment may also occur between people of the same sex.

We recognise that individuals can experience sexual harassment from anyone they encounter because of their job, and may come from:

- Someone they work with
- A manager / supervisor
- Someone else in a position of authority or someone high profile or influential
- An agent acting on behalf of the employer

- A third party, such as a customer, client or member of the public

It can happen anywhere in the workplace, such as the toilets, staff room/kitchens or office. It can also occur away from the workplace, such as at conferences, training courses, staff parties and other social events related to work. It may take place in private or in public. Whatever form it takes, it is unwarranted and unwelcome.

Sexual harassment has many forms of variable seriousness, the most serious of which is sexual assault. Unwanted conduct of a sexual nature includes a wide range of behaviours such as:

- Sexual comments, jokes, pranks, banter
- Comments on a person's appearance
- Displaying sexually graphic pictures, posters or photographs
- Propositions and sexual advances
- Making promises in return for sexual favours
- Sexual gestures
- Intrusive questions about a person's private or sex life or a person discussing their own sex life
- Repeated and unwanted social invitations for dates or physical intimacy
- Sexual posts or contact on social media
- Spreading sexual rumours about a person
- Sending sexually explicit emails or text messages
- Unwelcome touching, hugging, massaging or kissing
- Physical violence
- Creating, sharing or distributing AI-generated, manipulated or "deepfake" images, video or audio content intended to humiliate, intimidate or sexually harass another person.

Sexual harassment may also occur through digital technologies, including emails, messaging platforms, social media, videoconferencing systems, artificial intelligence tools and other online communication channels.

* Please note this is not an exhaustive list

Sexual assault is a serious crime, and the school will support employees who want to press charges against offenders.

Further information can be found in the Headteacher/line manager Guidance and Employee Guidance.

5. When does this policy apply

This policy will apply to any **unwanted conduct** of a sexual nature, that occurs in the course of a person's work and which takes place at their place of work, including in their home while working from home, on their commute, at or while travelling to a place which is not their place of work if they are there for any reason related to their work, including for a work related social event, school trip, training session or conference.

6. Third Party sexual harassment

The sexual harassment of employees will not be tolerated, whether caused by those that work here or third parties including parents, contractors, suppliers, or visitors to our premises. Any instance of work-related sexual harassment should be reported in line with this policy, regardless of who the alleged perpetrator is, with the exception of students – in which case the Student Behaviour Policy will be referred to.

Where sexual harassment is committed by a parent, visitor, contractor or other third party, the school may take action including restricting access to site, terminating contracts, issuing warning letters or involving external agencies where appropriate.

7. Preventing sexual harassment

As a school, we understand our duty of care to provide a safe place of work for all employees and we recognise that there are certain measures we can take to help prevent sexual harassment in the workplace.

We are committed to preventing sexual harassment by:

- **Adopting good management practices:** including making clear the expectation of all employees to behave in a way that reflects the school values and behaviours, and upholds the standards set out in the School's Employee Code of Conduct.

- **Continuous awareness-raising:** about the nature and impact of sexual harassment, common reactions to sexual harassment and the requirement of respectful behaviour by all employees to create a culture free from harassment. Awareness of this policy and associated guidance, together with relevant training will be available to all employees. This will be reviewed every two years.

- **Providing training**: on sexual harassment and about this policy for all employees, Headteachers, line managers and School Governors.

- **Risk assessments:** which will consider the factors that can increase the risk of sexual harassment including power imbalances, lone working, customer-facing duties, and lack of diversity in the workforce.

- **Monitoring the gender balance** at all levels of the organisation.

8. Reporting Sexual Harassment

A complaint of sexual harassment can be reported in a number of ways:

- ✓ Directly to the Headteacher
- ✓ Desigated Safeguarding Lead
- ✓ Wellbeing Lead
- ✓ To a Trade Union Representative
- ✓ To a Freedom to Speak Up Guardian
- ✓ To a School Governor

Commented [RG1]: You will need to ensure that your School/Academy provide appropriate training to all employees. If your School buys into the OLLIE learning platform through Telford and Wrekin, e-modules are available for employees, managers and bystanders. If you do not buy into OLLIE, you will need to source your own training.

You will need to state how regularly this training will be reviewed, for example every 2 years.

Commented [HR2]: You may wish to add/remove any other positions as appropriate.

All reports of sexual harassment will be taken very seriously and will be dealt with in a swift, sensitive and confidential manner, with advice from our HR Provider/member of the HR Team.

Consideration will be given to as to whether the schools Procedure for Managing Low Levels Concerns and Allegations Against Staff should also be followed in cases where the complaint is against a member of school staff. Please see section 9 in respect of the need to report concerns through to Family Connect.

Where a complaint of sexual harassment is made, it may be resolved informally in the first instance where appropriate.

Where it is not appropriate due to the circumstances of the complaint or raising it informally will not or has not resolved the issue, a preliminary assessment of information will be undertaken, and the complaint will be dealt with in line with either the School's Grievance Scheme or School's Disciplinary Policy – as dependent on the circumstances.

Where the complaint is in regard to a third-party sexual harassment (i.e. pupils, parents, suppliers, contractors and visitors to our premises), it will be dealt with in line with the relevant policy.

Where a complaint arises about a third-party contractor from a school employee, this will be raised through the third party's employer where relevant. The school would support the employee through any third party process.

9. When an alleged crime has been committed

Headteachers/line managers must discuss all allegations of sexual harassment with Human Resources. This is particularly important when a serious assault / potential crime has been committed, as steps to safeguard the individual (and others) will need to be discussed.

Where an allegation of sexual assault or rape is made, the individual may also want to report it to the police when they consider it appropriate to do so.

Headteachers/line managers should talk to the individual about whether they want to tell the police and support them if they choose to report it. You should not put any pressure on them to make any particular decision.

Personal safety is paramount and where a person has any concerns about criminal behaviour, it is recommended that it is reported to the police.

If the individual does not want to tell the police, they do not have to. In most cases you should go along with their decision. However, you might decide you have to tell the police yourself in some circumstances. For example, this might include if you or the person who's made the complaint think there's likely to be:

- an ongoing risk to their safety or the safety of others, this would include other staff but also children or young people in respect of safeguarding.
- an increased risk to their safety because they're a vulnerable person, for example they have a mental health condition

Before telling the police, you should talk about it with the person who's made the complaint. You should also let them know once you've told the police.

Making a referral to Family Connect

Where the alleged perpetrator (whether they are an employee, or member of the public), works in a position of trust with children / young people under the age of 18 or with vulnerable adults, Headteachers/line managers/Governors/Trustees or the DSL must make a referral Family Connect within 24 hours of being made aware of the allegation.

This behaviour, although not against a child or young person, may call into question their suitability to work with children and may meet the allegations threshold, as set out in the Procedure for Managing Low Levels Concerns and Allegations Against Staff.

A referral to Family Connect must be made when the alleged perpetrator works in a position of trust, irrespective of whether the allegation is reported to the police or works at the school.

Commented [HR3]: For Shropshire Schools amend to reflect your safeguauding referral processes.

9. Roles and responsibilities

Employees: all employees are responsible for:

- Understanding what sexual harassment is.
- Undertaking training to ensure they understand what sexual harassment is and their responsibilities for modelling respectful behaviour to create a culture free from harassment.
- Contributing to a respectful working environment by modelling appropriate behaviour and being aware of how their behaviour may affect others.
- Taking personal responsibility to raise concerns about any sexual harassment in the workplace, whether this was experienced personally or witnessed. Concerns should be raised in line with the reporting procedures.
- Supporting employees reporting sexual harassment.
- Treating any allegations or complaints of sexual harassment with appropriate confidentiality.
- Ensuring that a person is not victimised for making or being involved in a complaint of sexual harassment.

Employee guidance on sexual harassment is available to share through a separate guidance note.

Headteachers/Line Managers will:

- Undertake training to ensure they understand what sexual harassment is and their responsibilities for eliminating this in the workplace.
- Always challenge any unacceptable or questionable behaviour that they become aware of even if they are not directly affected.
- Model appropriate behaviour and be aware of behaviour and language that can cause offence including jokes and banter, and if necessary, remind workers of the expected standards.
- Respond to complaints of sexual harassment swiftly, sensitively, confidentially and objectively by seeking advice from Human Resources to ensure the correct investigation processes are followed, including the School Disciplinary Policy or Grievance Scheme.

- Deal directly with third party perpetrators (such as parents, suppliers, contractors and visitors in line with our visitors policy/parent code of conduct.
- Monitor the workplace environment and culture to ensure as far as practicable, standards of conduct are always maintained, and that sexual harassment is not tolerated.
- Ensure that a person is not victimised for making, or being involved in, a complaint of sexual harassment.
- Ensure that this policy is followed.

Line Manager Guidance on sexual harassment is also available through a separate guidance note.