Diocese of Norwich Education and Academies Trust

Sexual Harassment Policy

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Our Christian Ethos and Values
All policies within the Diocese of Norwich Education and Academies Trust (hereafter referred to as "the Trust"), whether relating to an individual academy or the whole Trust, will be written and implemented in line with our Christian ethos and values.

We have high ambition for all, and we truly value the wider educational experience.

We walk and talk our Christian values. We put people at the centre of the organisation and want to see them flourish and grow. Our schools are inclusive, welcoming those of all faiths and none.

Overall accountabilities and roles
The Trust has overall accountability for all its academies and staff. Through a Scheme of Delegation for each academy it sets out the responsibilities of the Trust, its Executive Officers, the Local Governing Body and the Principal / Headteacher. The Principal / Headteacher of each academy is responsible for the implementation of all policies of the Trust.

All employees of the Trust are subject to the Trust's policies.

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1. Roles and Accountabilities

1.1. It is the responsibility of the Headteacher, or Trust CEO in relation to the Trust central team, to:

- ensure that all staff understand the standards of behaviour expected of them, lead by example and take action when behaviour falls below what is expected;
- create an environment where employees are clear that sexual harassment is unacceptable;
- respond constructively and supportively where an employee raises a concern regarding sexual harassing behaviours or is accused of such behaviours. Where an employee raises concern regarding sexual harassment of a Headteacher, the Trust AGEP / Academy Improvement Directors have this responsibility. Where an employee raises concern regarding sexual harassment of the CEO the Board of Directors would have this responsibility:
- assess the risks arising from the parties continuing to work together while the concern is being addressed and consider alterations to working arrangements that would support this;
- identify suitable alternative placement(s) and appropriate support mechanisms to prevent isolation where it is not possible to keep the parties together;
- ensure the health and wellbeing of those involved is maintained and seek advice from other departments as appropriate including Human Resources and the employee assistance programme provider.

1.2 All employees of the Trust are subject to the Trust's policies. It is the responsibility of all employees to:

- be personally responsible for ensuring that they adhere to the policy;
- report inappropriate behaviour(s) and raise any incident(s) that may breach this policy and any other associated policies;
- treat colleagues, our children and third parties with dignity, trust and respect. Sometimes this may mean allowing for different views and viewpoints and making space for others to contribute;
- be aware that if any employee is found to have committed, authorised or condoned an act of sexual harassment, the Trust will take action against them.

2. Purpose and Scope

2.1 This policy covers sexual harassment which occurs both in and out of the workplace, such as on school visits, events, or work-related social functions. It also extends to sexual harassment online, for example on social networking sites (personal or work-related sites). If online harassment is suspected, as per the Disciplinary policy, this would be investigated as potential gross misconduct.

2.2 The policy covers sexual harassment by staff, leaders, Trust Board Directors, Governors, and volunteers and also by third parties such as suppliers or visitors, including parents.

2.3 This policy does not form part of any employee's Contract of Employment, and the Trust may amend it at any time following consultation.

3. Introduction – What is sexual harassment?

3.1 Sexual harassment is unwanted behaviour of a sexual nature. To be sexual harassment, the unwanted behaviour must have either: violated someone's dignity and/or created an intimidating, hostile, degrading, humiliating or offensive environment for someone. It can be sexual harassment if the behaviour has one of these effects even if it was not intended.

3.2 The law (Equality Act 2010) protects the following people against sexual harassment at work:

- Employers and workers;
- Contractors and self-employed people hired to personally do the work;
- Job applicants both during the recruitment process and when on site for interviews etc.

4. Examples of Sexual Harassment

4.1 Sexual Harassment can take many forms and can take place either at work or outside work. Whilst this is not an exhaustive list, examples include:

- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;
- making sexual remarks about someone's body, clothing or appearance;
- asking questions about someone's sex life;
- telling sexually offensive jokes, offensive comments about appearance or dress, innuendo or lewd comments;
- making sexual comments, jokes, spreading gossip or speculation about someone's sexual orientation, gender reassignment or transgender status, including spreading malicious rumours;
- continued suggestions to meet up socially after a person has made clear they do not welcome such suggestions;
- sending or displaying material that is pornographic (or sexual images/content) or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
- leering, whistling, or making sexually suggestive gestures;
- touching someone against their will, for example hugging them;
- sexual assault or rape.

4.2 The Trust seeks to ensure that all staff are treated and treat others with dignity and respect free from sexual harassment. Sexual harassment is unacceptable and will not be tolerated by the Trust.

4.3 The Trust will take allegations of sexual harassment seriously and address them promptly and confidentially where possible. All employees, governors and volunteers must comply with this policy and respond appropriately to ensure that such conduct does not occur. Sexual harassment by an employee will be treated as misconduct under our Disciplinary Procedure. In some cases, it may amount to gross misconduct leading to summary dismissal.

4.4 Staff should always consider whether their words, approach, actions or conduct could be perceived as sexual harassment. What some people might consider as joking, 'banter' or part of their workplace culture can still be sexual harassment. Even unintentional sexual harassment is unacceptable both in the workplace and/or online.

5. What the law says

5.1 The laws that protect people against sexual harassment are:

5.1.1 The Equality Act 2010

The Equality Act 2010 also covers other types of harassment (see HR11 Bullying and Harassment Policy) This includes:

- harassment related to certain 'protected characteristics' – for example sex, sexual orientation and gender reassignment;
- less favourable treatment because of how someone responded to previous sexual harassment;
- Someone could experience more than one type of harassment at the same time.

5.1.2 The Worker Protection (Amendment of Equality Act 2010) Act 2023 – this law is about preventing sexual harassment (see section 4)

- The Worker Protection (Amendment of Equality Act 2010) Act 2023 is about preventing sexual harassment;
- Individual members of staff may in some cases be legally liable for sexual harassment of colleagues or third parties and may be ordered to pay compensation by a court or employment tribunal.

6. Preventing sexual harassment

6.1 By law, all employers must take reasonable steps to prevent sexual harassment happening in the organisation. This law came into effect on 26 October 2024 and covers sexual harassment from:

- Other people at work;
- Third parties – for example pupils and parents.

6.2 Headteachers and the CEO (for Trust central staff) will take action to assess risks and put preventative measures in place. If an incident occurs the Headteacher will be responsible for ensuring steps are taken to prevent a similar occurrence happening again. If an incident involves a Headteacher then the Trust CEO will be responsible for ensuring steps are taken to prevent a similar occurrence happening again.

6.3 Within the central team, the CEO will take action to assess risks and put preventative measures in place. If an incident occurs, the CEO will be responsible for ensuring steps are taken to prevent a similar occurrence happening again. If an incident involves the CEO, then the Trust Board of Directors will be responsible for ensuring steps are taken to prevent a similar occurrence happening again.

6.4 Headteachers (and the Trust CEO for Trust central staff), will complete an annual risk assessment using the form within this policy (appendix 1) where they will:

- Consider the risks of sexual harassment in the workplace;
- Consider steps they could take to reduce the risks of sexual harassment happening;
- Consider which of those steps are reasonable for the school to take;
- Ensure those steps are then taken.

6.5 Within the risk assessment, the Headteacher (and CEO) must consider any factors specific to:

- The educational sector (for example the risk of a staff member being harassed by a pupil);
- Ways of working (for example lone working);
- The different roles in the Academy or Trust Central Office.

6.6 Higher risk factors may include situations such as:

- Meeting colleagues, parents or pupils alone;
- An environment where people are drinking alcohol (such as a work-related social event);
- Power imbalances between staff;
- Travelling for work (such as school trips to include overnight stays, training, for example).

6.7 Some staff might be at higher risk, for example:

- Younger employees, including apprentices;
- People with learning difficulties.

6.8 What is reasonable depends on the situation. There is no set list of steps that employers must take. However, Headteachers will take into consideration:

- The size of the school and staffing;
- Who the employees may have contact with as part of their work;
- How often our employees are in contact with third parties;
- Whether sexual harassment has happened before;
- The school's resources.

6.9 With reference to the above, in the case of Trust central staff, the Trust CEO will take into consideration:

- The size of the office and staffing;
- Who the employees may have contact with as part of their work;
- How often our employees are in contact with third parties;
- Whether sexual harassment has happened before;
- The offices' resources.

6.10 Examples of steps to prevent sexual harassment include:

- Making it clear to employees that the Trust do not tolerate sexual harassment;
- Encouraging staff to report any incidents of sexual harassment;
- Encouraging staff to report situations where they felt at risk, even if nothing happened;
- Introducing ways for staff to get help quickly, especially if they have to perform lone working, for example panic alarms;
- Setting standards of behaviour for social events;
- appointing someone at senior level within the Academy or Central Team to ensure the Academy or Trust Central Team is taking steps to prevent sexual harassment.

7. Informal Process

7.1 If an employee feels that they are being sexually harassed, they must attempt to manage the situation informally if this is at all possible. The objective of an informal approach is to resolve the difficulty with the minimum of conflict. Every employee has personal rights, and this includes being made aware that their attention or behaviour is perceived by another as sexually harassing. It is possible that the "perpetrator" simply does not realise the effect of their behaviour on the recipient. The employee should explain clearly to the "perpetrator" that their behaviour is not welcome or makes them feel uncomfortable.

7.2 If the employee finds it too difficult or embarrassing to speak directly with the other person, then they should attempt to communicate through a third party, for example, the Academy's or Central Team's designated HR Officer, a work colleague, line manager/supervisor, or union representative.

7.3 Mediation may be used to deal with problems on an informal basis.

Mediation is a completely voluntary and confidential form of two or more individuals or groups reach a solution that is acceptable to everyone. The mediator can talk to both sides separately or together. Mediators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their difference or dispute. The overriding aim of workplace mediation is to restore and maintain the employment relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

There may be occasions on which the Headteacher/Trust CEO or HR Officer can help to broker a solution by means of a conciliation meeting between the complainant and the alleged perpetrator. This should only be done with the agreement of both parties.

7.4 If informal steps have not been successful or are not possible or appropriate due to the seriousness of the allegations, the employee should follow the formal procedure set out below.

8. Formal Procedure

8.1 This process follows the Trust's grievance procedure which cannot be used in addition to, or substitution of another policy for the same complaint.

8.2 The 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.

8.3 As a general principle, the decision whether to progress a complaint is an employee's decision. However, the Trust have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, they consider it appropriate to do so.

8.4 Where the grievance procedure is invoked because of a complaint about sexual harassment, ordinarily the HR Officer (or an impartial manager) will be designated to investigate the complaint in a timely, sensitive, impartial and confidential manner. The investigating officer must not have had any involvement in the complaint. It would not therefore be appropriate for the line manager to investigate the complaint if they have been involved in the informal stages of the procedure.

8.5 The investigating officer will arrange a meeting with the employee. The invitation to meet will be received by the employee within 5 working days of receiving the complaint, so that the employee can give their account of events. Employees have the right to be accompanied by a colleague or trade union representative, who must respect the confidentiality of the investigation. There may be further meetings with the employee as appropriate throughout the investigation.

8.6 Where the complaint is about an employee, the school or trust 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 investigating officer will also meet with the alleged harasser who may also be accompanied by a work colleague or trade union representative of their choice to hear their account of events. They have a right to be told the full details of the allegations against them, so that they can respond.

8.7 Where a complaint is about someone other than an employee, such as a contractor or visitor, the Academy or Trust will consider what action may be appropriate to protect the employee and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the school/trust and the rights of that person. Where appropriate, the school or trust will attempt to discuss the matter with the third party.

8.8 The Academy or Trust will also seriously consider any request that the employee makes for changes to their own working arrangements during the investigation and will accommodate if business needs will not be impacted.

8.9 It is likely to be necessary to interview witnesses to any of the incidents mentioned in a complaint. If so, the importance of confidentiality will be emphasised to them.

8.10 Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our disciplinary procedure.

8.11 The main purpose of the investigation is to establish whether the act(s) under investigation amounted to sexual harassment. The investigation report should include;

- the terms of reference of the report;
- the complainant's account of the incident(s) and the effects;
- a response from the person identified by the complainant;
- evidence from staff in the same work area or any other relevant areas where incidents of sexual harassment may have occurred;
- a conclusion as to whether there is a case to answer in respect of the allegations made and whether the matter should be referred to a disciplinary hearing. The report should identify whether it appears that the complainant has suffered any detriment

e.g. deterioration of work performance or health, lack of career development, denial of opportunities etc.

8.12 Being sexually harassed can be extremely distressing and can even be life-changing, whilst being accused of sexual harassment can also be very distressing.
This is why the trust and/or school will ensure that the investigating officer;

- is trained to carry out investigations;
- carries out a fair and thorough investigation and handles it sensitively;
- does not presume the accusation is either true or false;
- handles the complaint confidentially.

8.13 Any parties involved should not discuss the case with anyone, apart from:

- their trade union representative;
- someone at work who is acting as a companion at a formal meeting;
- close friends or family who are supporting them.

8.14 At the end of the investigation, the investigating officer will submit a report to a senior manager nominated to consider the complaint. In the instance of the alleged perpetrator being the Trust CEO, the Board of Directors will consider the complaint. The senior manager will write to the employee to inform them of the outcome and what action, if any, should be taken. The employee has the right to bring a colleague or a trade union representative to the meeting. If the complaint is upheld and proceeds to a Disciplinary hearing, then a copy of the report and the senior manager's findings will be given to the alleged harasser.

8.15 The appointed senior manager will consider the investigation report and decide whether they consider that sexual harassment has occurred, in which case the matter will be dealt with as a case of possible misconduct or gross misconduct under the Trust's disciplinary procedure.

9. Sexual harassment - managing the situation afterwards

9.1 When sexual harassment has taken place, the Headteacher or the CEO in respect of the Central Team must take action to prevent sexual harassment happening again.

9.2 If the Headteacher has been the "perpetrator" of the sexual harassment, then the Trust CEO must take action to prevent sexual harassment happening again.

9.3 If following the investigation, the recommended outcome results in a decision against dismissal, options may include:

- training and supervision for the person who carried out the harassment;
- moving them to another location or role to keep them apart from the person they harassed;
- disciplinary action short of dismissal, for example a final written warning.

9.4 If the decision/outcome is dismissal, options for managing the situation afterwards may include:

- finding ways to make sure the harasser cannot target the person they sexually harassed – for example if the school is ever open to the public such as open days;
- Offer staff counselling.

9.4 If the complaint is not upheld (i.e. the decision is that the behaviour was not sexual harassment and/or there was not enough evidence to reach a decision) the Headteacher/CEO and HR Officer should consider steps to help manage working relationships. For example:

- Counselling;
- Mediation;
- Nominating someone that either employee can talk to if they have concerns;
- Offering other roles if a working relationship cannot be resolved.

10. Protection and support for those involved

10.1 Employees who make complaints or who participate in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result.

10.2 If an employee believes that they have suffered any such treatment they should inform their line manager or another senior manager (such as the Headteacher). If the matter is not remedied, they should raise it formally using this procedure.

10.3 If an employee within the Trust Central Team believes that they have suffered any such treatment they should inform their line manager or another senior manager (such as the CEO). If the employee within the Central Team is the CEO, then they should inform the Board of Directors. If the matter is not remedied, they should raise it formally using this procedure.

10.4 Consideration should be given as to whether the incident constitutes an accident or near miss and if so, it should be reported appropriately.

10.5 Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure will be subject to disciplinary action under the Trust's Disciplinary Procedure.

11. When it is a crime

11.1 If an employee has been sexually assaulted or raped at work, they should seriously consider reporting it to the police. However, nobody can force an employee to report it, it's their choice.

If an employee chooses to tell their employer, they should:

- talk to the employee about whether they want to report it to the police;
- support the employee if they choose to report it.

11.2 In most cases, the Trust will comply with an employee's decision, however, the Trust may feel the need to tell the police in some circumstances. For example, if there is an ongoing risk to an employee's safety or the safety of others.

11.3 If the Trust decide to inform the police, they will;

- Talk with the employee about it first;
- Inform the employee when they have reported it to the police.

12. Confidentiality and data protection

12.1 Confidentiality is an important part of the procedure provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the elevated level of confidentiality that is required. 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.

12.2 Information about a complaint by or about an employee may be placed on the employee's 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 and GDPR (General Data Protection Regulation) requirements.

12.3 A breach of confidentiality may give rise to disciplinary action under the Trust's Disciplinary Procedure.

13. Who is responsible for this policy?

13.1 The Trust has overall responsibility for the effective operation of this policy but has delegated day-to-day responsibility for overseeing its implementation to the Headteacher, or, in the case of the Trust Central Team; to the departmental line managers.

13.2 All Headteachers, Line Managers, including the CEO, have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to act when behaviour falls below its requirements. Staff with these responsibilities will be given training in order that they may do so.

13.3 Employees should disclose any instances of harassment or bullying of which they become aware to their line manager or the Headteacher. Where the concerns are about the Headteacher, the staff member should disclose the details to the Trust CEO. Where the concerns are about the Trust CEO, the staff member should disclose the details to the Trust Board of Directors with, if they would prefer, the support of the DoNESC Director of Human Resources.

13.4 Questions about this policy and requests for training or information on dealing with bullying or harassment should be directed to the Academy's or Central Team's HR Officer as appropriate.

Appendix 1 – Sexual Harassment Risk Assessment

Trust Risk Assessment for Preventing Sexual Harassment

Employee name:		Date of risk assessment	
Hazards associated with the activity/operation.			

Likelihood	**Severity**	**Risk Rating**
1 Unlikely	1 Negligible	1 – 6 Low
2 Possible	2 Minor	7 – 14 Medium
3 Quite Possible	3 Significant	15 – 25 High
4 Likely	4 Major	
5 Very Likely	5 Catastrophic	

Risk	Generic Risk Control Measures	Inherent risk			Additional control Measures	Residual risk rating		
		L	S	R		L	S	R
1. Sexual harassment occurring in the day-to-day workplace (including contractual remote workers) by any employee, within any role, including Senior / Exec level employees 2. Sexual harassment occurring on school trips (day trips and overnight stays). 3. Sexual harassment of an individual previously in a consensual relationship with another staff member 4. Sexual harassment of an individual by their current partner who is also a colleague.	- HR Policies are kept up to date and current. A standalone new sexual harassment policy has been written and adopted by the Trust to ensure the new duty to Prevent sexual harassment in the workplace is covered. - HR Policies are accessible to all staff within the Trust - Sexual harassment concerns log has been introduced and will be kept up to date within each school - Promoting a culture of respect and psychological safety - Code of Conduct available to all.				- Pro-active reporting of sexual harassment cases to the Board - Reporting of sexual harassment cases to Trustees via Board Meetings - Sexual harassment policy available on the Trust website - Training – e-learning for all staff - Training – briefings by school leaders to staff without e-learning access - Sexual harassment training will be refreshed annually - Induction process – ensuring HR policies are signposted and e-learning training completed - Sexual harassment posters at work in staffing areas			

	- Questions regarding sexual harassment added to annual staff survey				- Consider heat map reviews to visually plot high risk areas within the workplace - Monitoring of response to sexual harassment in staff survey results - Raise awareness of sexual harassment, along			
5. Sexual harassment of job applicants	- Recruitment and selection policy is kept up to date and current - Sexual harassment concerns log has been introduced and will be kept up to date within each school				- Consider if training required for recruiting managers			
6. Sexual harassment of contractor / volunteers by a Trust employee	- Code of Conduct and Sexual Harassment Policy published on the Trust website to demonstrate a commitment to the prevention. - Sexual harassment concerns log has been introduced and will be kept up to date within each school				- Consider what site induction any contractor / volunteers receive, including copy of Code of Conduct			
7. Sexual harassment by a third party towards a Trust employee (e.g. parent / student / contractor / visitor / another workplace)	- Code of Conduct available to all. - Sexual harassment policy - Sexual harassment concerns log has been introduced and will be kept up to date within each school - Trust behaviour policy for students (academy based)				- Consider what site induction is received for contractors and the mutual expectations of behaviour. - Consider parental communications - Consider student communications			
8. Sexual harassment by a non-Trust affiliated third party towards a Trust	- Employees are encouraged to report any allegations to the relevant company				- Employee to consider their surroundings and home office environment			

employee in their home – where the employee is on a home-based contract					- Employees on a home-based contract must ensure that when working from home they take the appropriate care when opening their door to third parties			
9. Sexual harassment during after-school activities	- HR Policies are kept up to date and current. A standalone new sexual harassment policy has been written and adopted by the Trust to ensure the new duty to Prevent sexual harassment in the workplace is covered. - HR Policies are accessible to all staff within the Trust - Sexual harassment concerns log has been introduced and will be kept up to date within each school - Promoting a culture of respect and psychological safety - Code of Conduct available to all. - Questions regarding sexual harassment added to annual staff survey				- Identify rooms lacking visibility as more vulnerable to incidents due to less supervision – consider how to make more visible while maintaining privacy (e.g leaving doors open, leaving internal windows uncovered).			
10. Sexual harassment at staff events, such as parties and away days	- HR Policies are kept up to date and current. A standalone new sexual harassment policy has been written and adopted by the Trust to ensure the new duty to Prevent sexual harassment in the workplace is covered. - HR Policies are accessible to all staff within the Trust - Sexual harassment concerns log has been introduced and will be				- Raise staff awareness of sexual harassment along with the schools/Trust zero tolerance approach. - Limit alcohol intake			

	kept up to date within each school - Promoting a culture of respect and psychological safety - Code of Conduct available to all. - Questions regarding sexual harassment added to annual staff survey							
11. Sexual harassment via online communications/outside of school hours	- HR Policies are kept up to date and current. A standalone new sexual harassment policy has been written and adopted by the Trust to ensure the new duty to Prevent sexual harassment in the workplace is covered. - HR Policies are accessible to all staff within the Trust - Sexual harassment concerns log has been introduced and will be kept up to date within each school - Promoting a culture of respect and psychological safety - Code of Conduct available to all. - Questions regarding sexual harassment added to annual staff survey -				- Remind staff of policies around internet and acceptable IT use and social media - Remind staff that the Code of Conduct policy applies just as much online and out of hours as it does during the school day.			

Assessed By:	Date:	Reviewed by:	Date:
Additional points for consideration			
Vulnerable Groups • Visual heat map that highlights areas with higher exposure to sexual harassment. ○ Junior staff, isolated physical s paces, third party interface, lone workers – vulnerable groups **Continuously monitor and reassess** Periodic review of risk assessments. Specific risk assessments where required.			