Sexual Harassment Policy

This policy has been approved and adopted by the Christus Catholic Trust across all their academies and it will apply to all staff within the Trust.

Presented and Approved by Christus Catholic Trust Board	November 26
Next Review Date	November 27

The schools of Christus Catholic Trust are unique and united

in partnership and service to our communities and global home.

We are:

- Uncompromising in our **ambition** to use the power of **collaboration** to ensure our pupils receive an **excellent** Catholic education.
- Have a strong culture of safeguarding in an environment where good mental health and wellbeing are nurtured.
- Have an **inclusive** approach to a high quality, **innovative**, contextualised education.
- Have high **aspirations** for all our pupils to achieve the best possible outcomes.

Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Equality Act 2010
- Protection from Harassment Act 1997
- Health and Safety at Work etc. Act 1974
- The UK General Data Protection Regulation (GDPR)
- Data Protection Act 2018
- Worker Protection (Amendment of Equality Act 2010) Act 2023
- ACAS (2015) 'Code of Practice on disciplinary and grievance procedures'

This policy operates in conjunction with the following school policies:

- Allegations of Abuse Against Staff Policy
- Equality Information and Objectives Policy
- Data Protection Policy
- Disciplinary Policy and Procedure
- Grievance Policy
- Records Management Policy
- Whistleblowing Policy
- Staff Code of Conduct
- Staff Wellbeing Policy

Scope

This policy applies to all employees of the school, including all agency staff, consultants, contractors and volunteers working with or for the school.

All governors are expected to conduct themselves in a way that is consistent with both the provisions of their code of conduct and, where applicable, this policy.

The procedure applies to all complaints made by an employee relating to their employment which may be either:

- A grievance regarding to a relevant issue arising in the workplace.
- A dignity at work issue involving alleged incidents of bullying and/or harassment.

This procedure also applies to collective grievances concerning workplace issues and to collective dignity at work issues involving alleged incidents of bullying and/or harassment.

Definitions

As defined in the Worker Protection (Amendment of Equality Act 2010) Act 2023, employers must take reasonable steps to prevent sexual harassment in the course of their employment.

For the purpose of this policy, "**bullying**" may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

For the purpose of this policy, "**harassment**" is defined as unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. The relevant protected characteristics are age, disability, gender identity, race, religion or belief, marriage and civil partnership, sex and sexual orientation. Unlike bullying, harassment can be an act of behaviour through which there is no clear intent to cause the person suffering.

Bullying and harassment may not just occur face-to-face, but also in written communications, via social media, emails or phone conversations. Both bullying and harassment are unacceptable forms of behaviour, which can cause stress and anxiety for employees, resulting in low morale, illness, underperformance, absenteeism and even resignation.

Examples of bullying and harassment include the following:

- Spreading malicious rumours or insulting someone by word or behaviour
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcomed sexual advances, e.g. touching, standing too close or the display of offensive materials
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities

The Equality Act also defines three separate types of harassment as follows:

- Unwanted conduct related to protected characteristics, and which creates an intimidating, hostile, degrading, humiliating, or offensive environment
- Unwanted conduct of a sexual nature that has the same purpose or effect as the first type of harassment
- Less favourable treatment of individuals because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment

Roles and responsibilities

The governing board will be responsible for:

- Ensuring this policy is implemented, and reviewing this policy and grievance procedure.
- Ensuring adequate resources are available to promote appropriate behaviour and deal effectively with any issues raised.
- Promptly responding to any complaints and offering guidance to the headteacher.
- Establishing an appeals committee for the governing board, who are responsible for effectively dealing with any appeals from staff.
- Taking the necessary action against members of staff following an investigation into serious allegations of misconduct.

The headteacher will be responsible for:

- Explaining this policy to all employees, ensuring they are aware of how to implement the procedures.
- Setting a good example to other staff by promoting a respectful attitude.
- Being responsive and open to employees who make allegations of bullying or harassment.
- Providing staff involved in a complaint with any support and guidance required.
- Providing timely and constructive resolutions to address any issues raised.
- Being alert to unacceptable behaviour amongst staff members.
- Ensuring that staff involved in a complaint, or instances of bullying or harassment, are supported in line with the Staff Wellbeing Policy.
- Ensuring that staff are educated about sexual harassment and what actions constitute and amount to this type of behaviour.

Employees will be responsible for:

- Ensuring that their behaviour is in line with this policy.
- Conducting themselves in a professional manner at all times.
- Creating an inclusive environment which is free from bullying and harassment.
- Following the correct complaints procedure and dealing with issues in a respectful manner.
- Keeping a detailed written record of any employee's behaviour which is believed to be unacceptable, stating the date, time, names of those involved and details of the incident.
- Supporting fellow colleagues who are suffering from harassment or bullying.
- Appropriately intervening to stop bullying and harassment.
- Informing the headteacher of any behaviour they believe is unacceptable in the workplace.
- Attempting to address and resolve any concerns at the earliest convenience.
- Maintaining all necessary confidentiality regarding allegations and appeals.
- Assisting with any investigation into a complaint of harassment or bullying.
- Adhering to the Staff Code of Conduct at all times.

Support for employees

The school is committed to supporting all members of staff and will ensure that additional support is provided as requested.

Staff involved in an investigation will not suffer any form of retaliation or victimisation as a result of the investigation.

If a staff member feels that they have been mistreated, or that they are being subjected to any detrimental treatment as a result of raising a concern under this policy, they are required to report this to the headteacher immediately.

Where the headteacher is accused of unacceptable behaviour and an informal approach to the situation has failed, the employee will refer the issue directly to the Local Governing Committee in order to follow the formal procedure.

Any employee found to have retaliated to or victimised someone involved in an investigation will be subject to disciplinary action, in accordance with the Trust Disciplinary Policy and Procedure.

Guidance and advice will be offered for dealing with incidents, both formally and informally, such as through regular staff training. Trade unions and other representatives will be contacted when proceeding to the formal stage of a solution. Adequate resources will be available to staff members such as union information and counselling services.

The Local Governing Committee will receive guidance from the Chair of the Local Governing Committee concerning any action that needs to be taken.

Informal solutions

Employees who are subject to harassment or bullying will be encouraged to approach the issue informally in the first instance.

Employees will be encouraged to raise matters directly with the individual causing harm. The following steps have been established as guidance for how this should be approached:

- Choose an appropriate time and address the bully or harasser in a non-confrontational manner
- Clarify what in particular has happened that has resulted in the feeling of victimisation
- Allow the bully or harasser to explain themselves – they may not have realised that any offence was being caused

If employees feel uncomfortable raising the issue directly with the individual causing harm, they will be encouraged to speak to another colleague with whom they feel comfortable. The following steps have been established as guidance for how this should be approached:

- Outline the problem with an impartial person and ask them to address the alleged bully or harasser
- Keep a calm and relaxed tone at all times
- The impartial person can either raise the issue on the employee's behalf or attend a direct discussion for moral support
- After the initial problem has been raised, the victim may feel able to be directly involved

If the headteacher or other member of staff becomes aware of any harassment or bullying within their team, they will be encouraged to take appropriate action to deal with it, whether or not a particular individual makes a complaint.

Employees will be encouraged to keep a record of each bullying or harassment incident, including copies of anything relevant, such as annual reports, letters or memos, that reveals the individual's pattern of bullying and harassment. Employees will also be encouraged to seek advice from their trade union representative during the informal stage, in order to mediate the matter.

Employees may wish to ask the headteacher to arrange for a trained independent mediator to help raise issues of concern. Although this usually follows a formal hearing, it can also be attempted as a first approach on the headteacher's advice.

Employees may choose to be accompanied to any informal meetings by a colleague or their trade union representative.

If informal methods are successful in resolving the problem, the matter may be closed at this stage. The required changes in the individual's behaviour should be clearly identified and recorded. This information will be used to form the basis of an action plan.

If informal methods fail to resolve the problem, an employee may wish to pursue a formal complaint with the headteacher, in accordance with the Trust Grievance Policy.

Where the alleged harasser or bully is a third party, such as a contractor, parent, supplier, or visitor, the problem will only be dealt with formally after the following solutions have been attempted:

- Displaying signs/information setting out acceptable and unacceptable behaviour
- Discussing the problem with the person, either verbally or in writing
- Conducting a meeting involving the headteacher and the alleged bully or harasser

Formal solutions

The formal investigation will be thorough, impartial and objective, and will be carried out with sensitivity and due respect for the rights of all parties concerned.

Staff will be informed that people often become defensive, and relationships can become strained when going through the formal procedure. It is recommended that the employee's trade union representative advises on the case and is present for the hearing.

The chair of the governing board will be contacted by the headteacher or governing board for further advice and guidance.

In all cases where formal solutions are required, the school will follow the procedures outlined in the Grievance Policy. If an employee wishes to appeal against the decision made during the formal process, they will do so within **10** working days of the receipt of the outcome.

The school will encourage the employee's union representative to advise on the case and present to the hearing.

The employee is required to submit a bullying and harassment appeal form to the headteacher for referral to the appeals committee of the governing board.

The bullying and harassment appeal form will state specifically why the employee feels that the outcome of the formal meeting is unsatisfactory, as well as what further outcome they are seeking.

A hearing in front of the appeals committee will commence within **10** working days, ensuring that the employee has minimum of **five** working days to prepare their case.

The appeal hearing will be dealt with impartially by two or three members of the governing board, who were not involved in any previous stage of the case.

Any clarification or approval needed for the outcome of the appeal will be immediately referred to the chair of the governing board.

The appeals committee will inform the employee in writing of their final decision within **five** working days.

Legal action

If an employee feels that there is no action being taken to prevent mistreatment, they have the right to take legal action.

Where the acts of behaviour are unlawful under the Equality Act 2010, employees may make a claim to an employment tribunal.

In situations regarding sexual harassment, the Employment Tribunal must then consider if, and to what extent, the employer has complied with the Prevent Duty in preventing the harassment from occurring.

Employees must have tried to resolve the problem within the school before taking a claim to an employment tribunal, as well as kept a record of any evidence to be considered for the claim.

Collective complaints

If several employees are experiencing bullying or harassment from the same source, and wish to lodge a complaint as a group, they will be required to submit individual statements about their experience of the behaviour that is being complained about.

If each of the complaints is raised as a formal grievance, and as long as the issue is of a similar nature in each case, they will be dealt with in one hearing through the school's grievance procedures.

Outcomes of collective complaints will be advised to each individual on a personal basis.

Confidentiality and data protection

Any individual subject to this policy, whether making a complaint or involved in the investigation process, is responsible for conducting the high level of confidentiality that is required.

Details of the investigation and the names of the person making the complaint, as well as the individual accused, will only be disclosed on a 'need-to-know' basis.

Information about a complaint, either 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.

In accordance with the Records Management Policy, information about a complaint will be retained on the employee's personal file for **six** years following the termination of employment and securely disposed of.

Any breach of confidentiality may lead to disciplinary action, in accordance with the school's Disciplinary Policy and Procedure.

Monitoring and review

The Trust will review this policy on an **annual** basis, making any necessary changes.

All members of staff will be informed of any changes made to this policy.