



Sexual Harassment & Victimisation Policy

This Policy has been formally adopted by the Governing Body of
Cape Primary School on 11/03/25.

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1. Policy Statement

- 1.1 The school is committed to providing a positive, safe and respectful workplace environment which encourages acceptance, and where employees feel protected. sexual harassment and victimisation is unlawful and **will not be tolerated** in or out of the workplace or in any workplace setting, e.g. at work-related events or on social media.
- 1.2 It is important that all employees of the school are able to recognise, challenge and able raise a complaint about sexual harassment, should it arise, without fear of prejudice and with the confidence that their concerns will be treated in good faith and investigated fairly and appropriately.

2. Scope

- 2.1 This policy applies to all staff of the school and anyone working with the school, including but not exclusive to agency workers, officers, consultants, self-employed contractors, casual workers, volunteers and interns.
- 2.2 It should be used to deal with any incidents of sexual harassment or victimisation. Section 8 details how to deal with third party incidents.
- 2.3 This policy should be read / used in conjunction with the school's disciplinary, grievance procedures, confidential reporting code (whistleblowing) policy and the employee's code of conduct.
- 2.4 This policy takes into account the Worker Protection (Amendment of Equality Act 2010) Bill that requires employers to take reasonable steps to prevent sexual harassment of workers. This policy also considers the Equalities Act 2010 and the Employment Rights Act 1996. Under the Health and Safety Act 1974 staff are entitled to a safe place and system of work.

3. Responsibilities and Confidentiality

- 3.1 To ensure the sexual harassment at work policy is embedded into our culture at the school, we will develop an environment in which every individual is valued and respected. Everyone has the right to be treated with dignity, fairness and respect at all times.
- 3.2 **All employees** have the responsibility to raise any forms of sexual harassment and victimisation to an appropriate person. This may be via their line manager, an alternative line manager, a HR Consultant or Trade Union representative.
- 3.3 **All school leaders** have a responsibility to:
- Take any allegations of sexual harassment or victimisation seriously.
 - Investigate allegations as a matter of urgency and in a timely manner.
 - Ensure that any allegations made maliciously will be dealt with in line with the school's disciplinary procedures.
 - Complete a **risk assessment** to identify risks of sexual harassment and take actions on mitigating those risks.

- 3.4 **All employees** are responsible for their own behaviour, and it is expected that all individuals will comply with the standards of behaviour as laid out in this policy and in line with the schools' employees' code of conduct.
- 3.5 **Anyone involved** in making a complaint or investigating a complaint is responsible for observing confidentiality. Details must only be shared on a need-to-know basis.
- 3.6 When defining whether this policy is relevant for handling the issue, consideration is given to the impact on the recipient of a particular form of behaviour, and not wholly to the intention of the perpetrator.
- 3.7 The school seeks to resolve any such issues as quickly as possible and recommends that where it is appropriate to do so, an informal approach should be adopted. If the behaviour concerned continues or is of a serious nature in the first instance, formal procedures will be followed.

4. What is sexual harassment and victimisation?

Sexual harassment

- 4.1 Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to sexual harassment.
- 4.2 Sexual harassment may include, for example:
- (a) unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
 - (b) continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;
 - (c) sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
 - (d) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); or
 - (e) offensive banter (jokes, sexual comments).
- 4.3 If the unwanted behaviour has violated someone's dignity, or created an intimidating, hostile or degrading environment it can still be sexual harassment even if the behaviour or action was not intended.
- 4.4 Any employee can be a victim of sexual harassment or violence, regardless of their gender identity, and can also occur between people of the same sex.
- 4.5 Employees have the right to raise a complaint about behaviour they find personally offensive even if it wasn't directed at them e.g. a male worker can complain about sexist remarks against a female colleague, whether she was present or not when the remark was made.

- 4.6 Employees should be aware that communications via digital channels that are not work related are not excluded from workplace sexual harassment.
- 4.7 The school will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate action to take.

Victimisation

- 4.8 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.
- 4.9 Victimisation may include, for example:
- (a) Denying someone an opportunity because it is suspected that they intend to make a complaint about sexual harassment.
 - (b) Excluding someone because they have raised a grievance about sexual harassment.
 - (c) Failing to promote someone because they accompanied another staff member to a formal policy meeting.
 - (d) Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.

5. How to prevent sexual harassment and victimisation

- 5.1 All employees have a responsibility to help create and maintain a work environment that is free of sexual harassment and victimisation. School leaders and others in a position of authority must lead by example and take prompt action to prevent and stop sexual harassment and victimisation when it occurs. All staff can expect to:
- Be treated with dignity, respect and courtesy
 - Be able to work free from unfair treatment, sexual harassment or victimisation
- 5.2 Equally, all staff are expected to:
- Familiarise themselves with the content of this policy.
 - Treat all members of the school with dignity, respect and courtesy.
 - Contribute towards a positive working culture within the school.

- Challenge or report unacceptable behaviour.
- Be mindful of others when expressing views.
- Cooperate with investigations into sexual harassment and victimisation.

5.3 The school also provides a wealth of resources to support employees and school leaders. These include:

- **Trade Union Representatives** who strengthen the voice of our employees
- **Mediation** is available for employees to help solve problems, disputes or disagreements.
- **Provision of a training** offer which includes management skills, further learning in Equality & Diversity. Awareness and understanding of mental health, wellbeing and resilience.
- **Offer of confidential support from the pastoral care team in school**
- The **Employee Assistance Programme (EAP)** is accessible to employees 24/7, 365 days a year to support with any personal or professional problems employees may be experiencing.

5.4 If any sexual harassment or victimisation of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include updating relevant policies, providing further staff training and taking disciplinary action against the perpetrator.

6. Raising a concern

6.1 All staff are required to complete the **Confidential Monitoring Form - Sexual Harassment and Victimisation** when an informal or formal complaint is made. The form is used to monitor the treatment of staff and by doing so, identify additional measures that may need to be implemented to help prevent sexual harassment and victimisation occurring during the course of employment.

6.2 As a general principle, the decision whether to progress a complaint is up to the employee. 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.

6.3 Wherever possible the school encourages all concerns to be resolved informally where it is appropriate to do so. The person who is accused of unacceptable behaviour may be unaware that their actions or behaviours are deemed as unacceptable by the recipient, and it may be possible to resolve the issue without resorting to a formal procedure. If it is not possible or appropriate to resolve issues informally, the formal procedure should be used.

6.4 Suggestions on how to address sexual harassment and victimisation informally are detailed below:

6.4.1 **Talk to the person** – If you feel able and comfortable to do so, approach the person who is treating you in a manner which you believe is detrimental to your dignity. Explain to them what has happened and how it has made you feel. This should be done as soon as possible. Their actions may have been unintentional, and they may be unaware how they have affected you. If this is the case, it is still important that you make them aware

of how their actions have made you feel so that they can ensure this is not reported in the future.

Alternatively, you could ask someone else e.g. a colleague, to approach the person on your behalf.

6.4.2 **Keep a diary** – a record should be kept of incidents that occur. This record should include dates, times, locations, details of people present and other factors that may be important such as how the actions made you feel. A written record could prove useful if a formal complaint is pursued.

6.4.3 **Raise the matter with someone in a more senior role** – this could be a line manager or another colleague in a position of authority who could take appropriate steps to resolve the matter informally. If the matter cannot be resolved informally, this person will then be in a position to provide evidence if the formal procedure is pursued.

7. Formal procedures

7.1 The formal complaint should be made in writing using the Grievance Procedure. Possible outcomes of a formal grievance include:

- No further action
- A formal commitment from the person complained against that the behaviour will stop, or that the behaviour/action will not be repeated
- Misunderstandings are clarified and resolved
- Resolution through a mediation provision
- Disciplinary action that could lead to dismissal
- Training and advice for the person who is the subject of the complaint relating to their behaviour (e.g. awareness raising, counselling, mentoring, staff development).

7.2 Where a complaint is about an employee, the school 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 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.

7.3 Serious sexual harassment or victimisation will be treated as gross misconduct and in some cases could constitute a criminal offence and will be reported to the police.

7.4 You may choose to decide to proceed with a complaint through the school's confidential reporting code (whistleblowing) policy.

8. Third party sexual harassment

8.1 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 their employment. Third-party harassment could include, for example, unwelcome sexual advances from a client, customer or supplier visiting the employer's premises, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment.

- .8.2 The law requires employers to take reasonable steps to prevent sexual harassment by third parties and that while an individual cannot bring a claim for third-party harassment alone, it can still result in legal liability when raised in other types of claim.
- 8.3 If there are any potential risks to an employee of sexual harassment from third parties, schools should include this as part of the risk assessment to identify such factors and take actions on mitigating those risks.
- 8.4 If an employee finds themselves subject to sexual harassment from a third party within the work environment, such as an individual or client, the employee needs to approach their line manager who will record the sexual harassment complaint formally (using the **Confidential Monitoring Form - Sexual Harassment and Victimisation**) and will ensure an investigation is undertaken and suitable measures put in place to prevent or mitigate any further incidents where possible.
- 8.5 This could include putting up a sign stating that sexual harassment or victimisation are not tolerated, preventing an individual from making direct contact or removing the employee or employees from exposure to that particular risk in the future. Further measures may include warning the harasser about their behaviour, potentially banning them from our premises and reporting any criminal acts to the police.
- 8.6 The school will not tolerate the sexual harassment or victimisation of staff by third parties and will take any necessary steps so that staff feel able to raise concerns in the knowledge that they will be listened to and supported.
- 9. **Monitoring and Review**
- 9.1 We will review this policy at regular intervals to determine its effectiveness and implement any changes where required.

This policy was developed in conjunction with the council’s Equality, Diversity and Inclusion unit, Health & Safety Unit and its recognised Trade Union colleagues.

Reviewed on	Reviewed by	Completed
11th March 2025	Provisions Committee	S. Baker

Confidential Monitoring Form - Sexual Harassment and Victimisation

This form should be completed when an informal or formal complaint is made or by an employee or manager raising informal or formal action. The school will use this form to monitor the treatment of staff and by doing so, identify additional measures that may need to be implemented to help prevent sexual harassment and victimisation occurring during the course of employment.

Part 1 – Your details			
Your Name:		Contact (email or 📞)	
Line manager:		Service Area/Team:	
Part 2 – Incident details			
Name(s) of alleged Harassers(s):		Date or period when alleged harassment took place:	
Please give an outline the alleged incident(s):			
Were there any witnesses to the incident(s)	Yes <input type="checkbox"/> No <input type="checkbox"/>	If Yes; please give names and contact details:	
Part 3 – Actions taken after alleged Incident			
Have you discussed this matter with anyone?	Yes <input type="checkbox"/> No <input type="checkbox"/>	If Yes Please choose If “Other” please detail who:	
Did the person(s) above give you any advice or take any action on your behalf?	Yes <input type="checkbox"/> No <input type="checkbox"/>	If Yes, please state what action has been taken to date (e.g. is the alleged harasser person being dealt with via grievance & disciplinary procedures):	
Part 4 - Declaration			
I can confirm that all the information given above is a true reflection of the incident(s) I have been subjected to.			
Signed:		Date:	
A copy of this form will be retained on the employee’s file			
Part 5 – For Governing Body use only			
Date form Received		Received by:	
Is further investigation or immediate action required?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
If Yes, what needs to be done, when, and by whom?	(e.g. suspension of alleged harasser, changes to working arrangements, escalation to Police, etc)		
Summary of action taken and investigation outcome:			
Has the incident(s) outcome been concluded to the satisfaction of the person making the report:			Yes <input type="checkbox"/> No <input type="checkbox"/>

Important: This form is not intended to be a procedure to resolve sexual harassment which should be handled through the company’s Grievance and Disciplinary policies. Please hand this form to the headteacher, or if the headteacher if the person of concern, the chair of governors