

Sexual Harassment

(TPO/STA/42)

Associated Policies

- Professional and Safe Conduct Policy (TPO/STA/10)
- Disciplinary Policy (TPO/STA/22)
- Grievance Policy (TPO/STA/23)
- Equality Policy (TPO/EO/01)
- Dignity at Work (TPO/STA/43)

Review Periods

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Dignity at Work

At The Brooke Weston Trust we are dedicated to creating and nurturing an environment where every individual feels valued, respected, and supported. Our commitment to upholding the highest standards of dignity and respect is embedded in our culture and core values. We believe in fostering a positive and inclusive workplace where everyone can thrive, and we expect our team members to embody these principles in their daily interactions. We encourage open and respectful communication, valuing diverse perspectives and the unique contributions of each individual.

Our Professional and Safe Conduct Policy (available on the Trust website) outlines the expected behaviours and standards that guide our professional relationships and interactions. We are committed to maintaining a workplace free from harassment, discrimination, and bullying. By adhering to our Professional and Safe Conduct Policy, we create a supportive and collaborative workplace where every individual can contribute to their full potential.

Policy Statement

We are committed to ensuring that all employees work in an environment where they are free from any form of sexual harassment. This includes unwelcome sexual advances, inappropriate comments or jokes, gestures, or any behaviour that creates an intimidating, hostile, or offensive environment.

This policy applies to conduct that occurs both within the workplace and in any professional or work-related setting, including school visits, events, work-related social functions (including those where they are not directly organised by work), and online interactions such as social media and networking platforms.

If a complaint primarily relates to another policy, such as grievance, pay, probation, or whistleblowing, it will be handled according to the relevant policy.

This policy is non-contractual and may be amended from time to time. Any amendments will be done in consultation with the recognised trade unions.

This policy has been implemented following consultation with trade union representatives, and the application of the policy will be monitored with recognised trade unions.

Scope

The Sexual Harassment Policy applies to all employees, governors, volunteers, agency and casual workers, contractors (including those self-employed), visitors, parents and any other third parties who work with Brooke Weston Trust.

Our obligations and duties under this policy also extend to job applicants, and former employees where the harassment is closely connected to the work relationship.

Support for those involved

The Trust provides support for all its staff through a 24/7 advice and support line. Counselling can also be provided. We would advise all of our staff who have been on the receiving end of, witnessed, or accused of sexual harassment to consider using this support line – 03303 800658. Further information about the different ways to access this support can be found on the Trusts Benefits Platform, or by speaking to your local People Representative.

If you are going through a formal process, you will be provided, with your agreement, with a mental health ambassador who can support you. This could be a mental health first aider, a representative from the people function, or a manager. This contact will not have any involvement in the formal process. You may decline this support should you wish to continue without it.

Colleagues who are trade union members can seek support, guidance, and representation from their union in cases of sexual harassment. This may include legal advice, assistance with workplace complaints, and advocacy during investigations.

Roles and Responsibilities

Anyone who is a victim of, or witness to, sexual harassment is encouraged to report it in accordance with this policy. This will enable us to take appropriate action and provide support.

The CEO has responsibility for ensuring all appropriate policies, systems and training are in place.

The Executive Team, via the Strategic Delivery Group is responsible for the review and implementation of this policy.

In each school, the Principal is accountable for ensuring compliance with this policy. In central teams, the Heads of Profession and Executive team members are responsible for ensuring compliance with this policy.

The Head of People is responsible for day-to-day responsibility for this policy and you should refer any questions about this policy to them in the first instance.

All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all employees understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements. This policy should form part of every new employee's induction programme.

Sexual Harassment

Sexual harassment is any unwanted conduct of a sexual nature that aims to or results in violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for them. It also includes treating someone less favourably because they have submitted to or refused to submit to unwanted conduct of a sexual nature, or in relation to gender reassignment or sex. A single incident can amount to sexual harassment.

Conduct 'of a sexual nature' includes a wide range of behaviour, such as:

- sexual comments or jokes
- displaying sexually graphic pictures, posters or photographs
- suggestive looks, staring or leering
- 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
- 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

An individual can experience unwanted conduct from someone of the same or different sex.

Definition of Victimisation

Victimisation occurs when someone is treated unfairly because they have made or supported a complaint about discrimination, harassment, or bullying, or because they are suspected of doing so. Under the Equality Act 2010, victimisation includes any detriment, such as being denied opportunities, unfairly criticised, or excluded, as a result of their involvement in a complaint or legal proceedings related to discrimination or harassment.

At Brooke Weston Trust, we are committed to creating a caring, inclusive, and safe environment where everyone feels secure and respected. We take all concerns seriously and ensure that individuals can raise issues without fear of retribution, fostering a supportive and equitable community for all.

Informal Complaint

The section below sets out how to raise a complaint via the informal process. However, If informal steps have not been successful or are not possible or appropriate due to the seriousness of the allegations, you may decide to follow the formal procedure set out below

We recognise that complaints of sexual harassment can be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances, you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct line management responsibility for you) or a member of the HR Team (chosen colleague). This person cannot be the same person who will be responsible for investigating the matter if it becomes a formal complaint.

If you experience sexual harassment and you feel comfortable to do so, you may choose to make it clear to the perpetrator on an informal basis that their behaviour is unwelcome and ask the perpetrator to stop. If you feel unable to do this verbally then you could hand a written request to the perpetrator, and your chosen colleague can assist you in this.

In addition, you may also choose to raise concerns during your regular communication with your manager, e.g. in a one-to-one meeting, or with a member of the Senior Leadership Team or Executive Team. This

manager will listen to you and take your concerns seriously if you do this, but may encourage you to follow the reporting procedures set out below. If you do not have a one-to-one meeting scheduled with your manager, you can ask to meet with them to discuss any concerns that you may have.

If a line manager receives a complaint from a member of their team, they should ensure that this is reported to the school Senior Leadership Team or Central Trust Executive Team.

The line manager/senior colleague, or other appropriately trained senior colleague, will then arrange to meet with both parties, either individually or together (only where both parties are comfortable with this), and seek to address the concerns by considering options with those involved. These options may include mediation where agreed or moving to the formal stage of the procedure.

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 Process

Where the informal approach fails or if the sexual harassment is more serious, you should bring the matter to the attention of a member of the Senior Leadership Team or Central Trust Executive Team as a formal written complaint (see Appendix 1); and again your chosen colleague can assist you in this, or your Trade Union representative.

If possible, you should keep notes of what happened so that the written complaint can include:

- the name of the alleged perpetrator
- the nature of the alleged harassment
- the dates and times when the alleged harassment
- the names of any witnesses
- any action already taken by you to stop the alleged harassment, if appropriate

On receipt of a formal complaint, where necessary and possible we will take action to separate you from the alleged perpetrator to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged perpetrator to another work area or suspension with contractual pay until the matter has been resolved. Both parties will be supported during this time and any investigation into the allegations will remain confidential, while balancing the need to obtain evidence from other witnesses.

Investigations

In some cases, it may be necessary to carry out an investigation into the complaint. The amount of any investigation required will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and / or reviewing relevant documents. The investigation will usually be carried out by someone appointed by the Principal or Executive Team.

We may initiate an investigation before holding a formal meeting where we consider this appropriate. In other cases, we may hold a formal meeting before deciding what investigation, if any, to carry out. In such cases, we will hold a further formal meeting with you after our investigation and before we reach a decision.

Formal Meeting

We will arrange a formal meeting, normally within five working days of receiving your formal complaint. You (and your companion) should make every effort to attend the formal meeting. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree upon an alternative time.

The purpose of the formal meeting is to enable you to explain your complaint and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made. Everyone involved in the process is entitled to be treated calmly and with respect.

After an initial formal meeting we may carry out further investigations and hold further meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.

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

We will write to you, usually within five working days of the final formal meeting, to inform you of the outcome and any further action that we intend to take to resolve the formal complaint. Where appropriate, we may hold a meeting to give you this information in person.

This may include the following recommendations:

- They consider that sexual harassment has occurred, in which case the matter may be dealt with as a case of possible misconduct or gross misconduct under our disciplinary procedure.
- They consider that sexual harassment has occurred, but the evidence shows that it was inadvertent or unintentional, in which case the “perpetrator” may be offered support and training to allow them the opportunity to modify their behaviour.
- Less formal action is appropriate, but some form of mediation or counselling is required for one or both parties.
- Any short-term or long-term relocation, change in duties or reporting structure are required. Any changes should not be at the detriment to any parties concerned

Appeals

If the formal complaint has not been resolved to your satisfaction, you may appeal in writing to the Principal or member of the Executive Team, stating the full grounds of appeal, within seven calendar days of the date on which the decision was sent or given to you.

We will hold an appeal meeting without unreasonable delay in accordance with the table below, normally within ten working days of receiving your written appeal. This will be dealt with impartially and by senior leaders or governors who have not previously been involved in the case.

Subject of the hearing is school-based	Subject of the hearing works in the Central Team
One person in one of the following roles: Principal/ Executive Principal/ Director of Primaries/ Director of Education	One person in one of the following roles: Executive Team member / CEO

Chair of formal meeting	Chair of formal meeting
HR representative and Note-taker (if technological solution is not possible)	HR representative and Note-taker (if technological solution is not possible)
Employee	Employee
Employee's companion (optional)	Employee's companion (optional)

We will confirm a final decision in writing, usually within seven calendar days of the appeal hearing. This is the end of the procedure and there is no further appeal

Formal Process Continued

Wherever appropriate and possible, a complainant should be told what action is being taken to address their complaint and what measures the employer is taking to prevent a similar incident happening again. It reasons that, if a complainant is not told what action has been taken, this may leave them feeling that their complaint has not been taken seriously or handled adequately.

Regardless of the outcome of the procedure, we are committed to providing the support you may need. Either party may be concerned about working with the other again. Due regard to such views should be taken into account when offering counselling or mediation. A transfer of one or both parties to another section or department may be appropriate in some cases and where feasible.

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.

Following a sexual harassment complaint, either party may be concerned about working with the other again. Due regard to such views should be taken into account when offering counselling or mediation. A transfer of one or both parties to another section or department may be appropriate in some cases and where feasible and a risk assessment and reasonable adjustments may be considered.

Witnessing Sexual Harassment

If you witness sexual harassment, you are encouraged to take appropriate action to address it where you feel able to do so. You should not take any action that may put you at risk of harassment or other harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support to the person who has been harassed and encouraging them to report the incident or reporting the incident yourself.

If reporting the incident, you should bring the matter to the attention of a member of the Senior Leadership Team or Central Trust Executive Team. Please refer to Appendix 1.

Your concerns will be handled by a member of the senior leadership team or central Trust executive team who will sensitively talk to the person subject to the sexual harassment to determine how they want the matter to be handled.

Third-party sexual harassment

Third-party sexual harassment occurs when a member of our workforce is subjected to sexual harassment by someone who is not part of our workforce but who they may encounter in connection with work. This includes agency staff, supply teachers, suppliers, parents, visitors, members of the public etc.

Third-party sexual harassment of our workforce is unlawful and will not be tolerated. Whilst the law does not provide a mechanism for individuals to bring a claim of third-party harassment alone. The law does require employers to take steps to prevent sexual harassment by third parties and we are committed to doing so.

In order to prevent third-party sexual harassment from occurring, we will:

- Include a statement on the sign in system that all individuals entering the building provide confirmation of reading.
- Include within our Service Level Agreements with third parties of our zero-tolerance approach to sexual harassment and confirmation that they will abide by our policies.

If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to a member of the Senior Leadership Team or Central Trust Executive Team.

Should a third party sexually harass a member of our workforce we will take action that may include warning the third party (or their employer) about their behaviour and ban the third party from working with us or other schools within our organisation. Any criminal acts will be reported to the police.

We will not tolerate sexual harassment by any member of our workforce against a third party. Instances of sexual harassment of this kind may lead to disciplinary action, including termination of employment.

Protection for those involved

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. If you believe you have suffered any such treatment you should inform your line manager or another senior manager. If the matter is not remedied, you should raise it formally using the Grievance Policy.

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 our disciplinary procedure.

Ongoing Support with Working Relationships

If it is decided that there is no case to answer, support will be provided for both parties and consideration given to managing their ongoing working relationship.

We will also consider whether there is evidence that the complaint has been malicious. If there is evidence to suggest that the complaint was malicious, this will be investigated and dealt with under our disciplinary procedures. Where the individual isn't covered by our disciplinary procedures, the school will consider other reasonable action and involve other agencies where appropriate.

Whatever the outcome, we will consider how to support the individuals involved to maintain an ongoing working relationship, which may include putting in place a risk assessment and reasonable adjustments.

Record Keeping

Minutes will be kept of all interviews and meetings. Where possible, these will be confirmed as an accurate reflection of what was discussed during the meeting.

Records of all materials relating to the process will be kept securely, only for as long as necessary and in line with data protection law and our privacy notice for staff.

Confidentiality

The Trust aims to deal with matters under this policy sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this policy. Any breach of confidence may be dealt with under the disciplinary procedure.

The employee and anyone accompanying the employee to any meeting in set out in this policy, including both formal and informal meetings, must not make electronic recordings of any meetings or hearings conducted under this procedure without consent.

Records will be kept no longer than necessary and in compliance with GDPR and Data Protection Act 2018.

Being Accompanied

During any formal meetings, employees have the right to be accompanied by a workplace colleague or Trade Union representative.

Attending a meeting as a workplace colleague to provide support is voluntary, and colleagues are under no obligation to do so.

If a Trade Union representative is unavailable at the time of a formal meeting, the employee may propose an alternative time for the meeting to take place. Wherever possible this should be within 7 calendar days of the original scheduled date.

Monitoring arrangements

This policy will be reviewed every three years but may be revised as needed in consultation with the recognised trade unions.

This policy will be approved by the Trust's Strategic Delivery Group.

Document control

Date of last review:	October 2024	Author:	Head of People
Date of next review:	October 2027	Version:	1
Approved by:	Strategic Delivery Group	Status:	Published

Appendix 1 – Formal Notification Form (please see locally saved electronic versions of the below)

Employee Reporting Information	
Employee Name:	
Employee School:	
Employee Job Title:	
Incident Details	
Date of Incident:	
Location of Incident:	
Individuals Involved: And their job role if known	
Description of the Incident	
Please describe what happened in as much detail as you feel comfortable sharing	
Names of any witnesses:	
Desired Outcome or Actions	
Signed:	
Dated:	