



Brontë Academy Trust
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Bronte Academy Trust

Sexual Harassment Policy

Bronte Academy Trust has adopted the PACT HR recommended model procedure as agreed by Trade Unions

- UNISON
- GMB
- NASUWT
- NEU
- ASCL*
- NAHT

*ASCL recognises and agrees the consultation process for this policy.

Reviewed By	Approved By	Date of Approval	Version Approved	Next Review Date
DH	Trustees	11 June 2024		11 June 2025
PACTHR / Unions	Trustees	13 May 2025		13 May 2026

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1 SEXUAL HARASSMENT POLICY

1.1 INTRODUCTION

The Equality Act 2010 defines sexual harassment as unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Sexual harassment can happen to all regardless of someone's gender, gender identification or sexual orientation.

Under the Equality Act 2010 employers have a positive legal duty to take reasonable steps to prevent sexual harassment of their workers. This is called the preventative duty. If employers do not comply with it, they are breaking the law. The preventative duty is designed to improve workplace cultures by requiring employers to anticipate how sexual harassment might happen in their workplace and take proactive reasonable steps to prevent it happening. The preventative duty includes worker-on-worker harassment and harassment by third parties such as customers, clients, pupils or parents/carers

This policy ensures compliance to the Worker Protection (Amendment of Equality Act 2010) Act 2023 and the updated Sexual harassment and harassment at work: technical guidance / EHRC October 2024 regarding prevention of sexual harassment, harassment and victimisation in employment; with those principles being applied to a School / Academy / Trust setting in line with the current version of KCSIE and DfE Guidance of the Equality Act and Schools

1.2 COMMITMENT

Bronte Academy Trust is committed to providing a safe working environment for all staff, volunteers or workers recognising the right to attend the Trust without being subjected to any form of sexual harassment.

Bronte Academy Trust will not tolerate sexual harassment whether by a colleague, pupil, pupil parent/carer, contractor or other third-party visitor. This policy aims to ensure that all staff and volunteers can report unacceptable behaviour of this nature and be supported in the process of resolving it.

1.3 SCOPE

This policy applies to bullying, harassment in respect of sexual misconduct that is committed or is alleged to have been committed by any of the following and as identified in the trust risk assessment

Employees and all third parties such as:

- Contractors
- Clients
- Pupils, pupil parents/carers
- Service users and visitors
- Volunteers

Irrespective of where and how this has occurred and the medium used, the alleged misconduct may have occurred whether:

- On Trust property

- During out of school conduct
- On pupil off-site learning facilities such as leisure centres, and during day trips or residential
- Via the Trust's IT systems e.g. MS Teams, Outlook or Parental / Staff Communications Online Messaging Portals
- Via phone devices such as text messages or WhatsApp

This policy also covers online abuse and harassment through social media and other internet platforms. This can include, but is not limited to behaviours such as:

- Cyberbullying – bullying behaviour which takes place online, typically through the use of social media platforms or text messages
- Unwanted sexting – the sending or receiving of sexually explicit photos, messages or videos, typically on a mobile device such as a smartphone; using a social media platform (sometimes referred to as 'nudes' or selfies)
- SGLL – Self Generated Indecent Images taken by an individual of themselves, either voluntarily or through coercion
- Doxxing – used to describe the practice of researching the internet to collect personal and private information on an individual and subsequently publishing with malicious intent
- Revenge Porn – the illegal posting or sharing of sexual or intimate content without the subjects' consent with the intent to cause distress or embarrassment

1.4 EQUALITY IMPACT ASSESSMENT

All Schools, Academies and Trusts must ensure that all strategies, policies, service and functions, both current and proposed have considered equality, diversity and inclusion. It is recommended that an Equality Impact Assessment (EIA) form is used in conjunction with PactHR Policies. An EIA template is attached to this policy.

1.5 Key Definitions

It is important to note that individuals may experience multiple forms of harassment simultaneously. The following definitions are provided to clarify the specific behaviours associated with each type:

1.5.1 **Bullying** is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include personal strength and the power to coerce through fear or intimidation. Bullying usually involves a repeated course of conduct.

1.5.2 **Harassment** is unlawful under the Equality Act 2010 and is defined in the legislation as any unwanted physical, verbal or non-verbal conduct 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 harassment and unlawful harassment under the Equality Act 2010 must be related to a relevant protected characteristic, which means it may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation.

1.5.3 Sexual Harassment and misconduct is unacceptable behaviour of a sexual nature. It can be a one-off incident or an ongoing pattern of behaviour and covers a spectrum including sexual violence such as rape and sexual assault, sexual elements; sexual invitations and demands; sexual comments; sexual non-verbal communication; creation of atmospheres of discomfort; and promised resources or advancement in exchange for sexual access.

1.5.4 Sexual Misconduct: The term sexual misconduct is used in this policy as it is a more effective recognition of forms of power enacted in further education and the term 'sexual harassment' captures only some of the possible abuses of power that may occur.

1.6 Examples of Sexual Harassment

In any workplace there will be a range of attitudes about what conduct is considered to be offensive, humiliating, intimidating, hostile, or degrading. What one worker – or even a majority of workers – might see as harmless fun or 'banter', another may find unacceptable. However, it is important to understand that any conduct can amount to harassment or sexual harassment even if that is not how it was intended.

Unwanted* behaviour will constitute sexual harassment if:

- Someone's dignity has been violated
- It has created an intimidating, hostile, degrading, humiliating or offensive environment for someone

Behaviour can be construed as sexual harassment if any of the effects above are present, even in circumstances where this was not intended or if the individual intended to display one of these effects but did not impact the targeted person/s in this manner.

Sexual harassment can involve physical, verbal and non-verbal incidents. Examples include, but are not limited to:

Physical

- Unwanted* contact; touching, stroking, pinching, hugging and kissing
- Threats or acts of physical violence to solicit sexual contact

Verbal

- Inappropriate comments about a person's appearance
- Insults based on gender of person
- Sexual advances, comments, jokes, pranks or banter
- Obscene or sexually explicit messages through social media, email or phone
- Intrusive enquiries into person's private life

Non-verbal

- Leering or staring
- Sexually suggestive gestures
- Facial expressions
- Written words
- Graffiti
- Imagery
- Posts or contact on Social Media Platforms

- Mimicry
- Aggression

*Unwanted means 'unwanted by the worker' and should be considered from the worker's subjective point of view.

2 PROCESS FOR PREVENTING AND DEALING WITH SEXUAL HARASSMENT

2.1 INTRODUCTION

Bronte Academy Trust is committed to providing a safe working environment for all staff and volunteers recognising the right to attend the Trust without being subjected to any form of sexual harassment through the following framework:

- Risk Reduction in the workplace
- Training, awareness and accountability
- Responding to incidents as they arise
- Supporting Employees
- A clear and consistent reporting process
- Taking appropriate action

2.1.1 Risk Reduction in the workplace

The Trust will regularly undertake a risk assessment to identify and implement preventative measures against sexual harassment. A template Risk Assessment can be found in Appendix 1 of this policy, or a MS Work version is available in the Advisory Client Information Hub on the PACT HR website.

The Risk Assessment includes the following considerations:

- Interactions between employees and school volunteers
- Interactions between employees and pupils' parents/carers
- Interactions between employees and external visitors
- Interactions between employees and workers such as contractors
- Situations where employees work one to one with pupils
- After school or off-site school activities
- Staff teaching areas of the curriculum involving relationships, sex and health
- Online communications messages portals
- Work events such as team away days, off-site training or after school social gatherings between workers

It is a mandatory requirement to both conduct a risk assessment and review the risk assessment at least every 12 months or as and when needed, whichever is the soonest.

The Trust may periodically undertake anonymous staff surveys to inform the Risk Assessment process and ensure that preventative measures are sufficient to reduce the risk of sexual harassment in the workplace.

2.1.2 Training

The Trust recognises that the importance of promoting a safe working environment through the use of awareness and training:

- Awareness training must be provided to all leaders on identifying, assessing and mitigating the risks of sexual harassment in the workplace
- Up to date training and awareness should be given to all staff which could form part of INSET Days

2.1.3 Employee Conduct

Suspected Breaches of this policy will be investigated under the Trust's disciplinary procedure which could result in dismissal. Incidents which constitute a crime could also be referred to the police depending upon the circumstances.

2.1.4 Confidentiality

Confidentiality is very important in dealing with cases of alleged unacceptable behaviour. The complainant, the named individual(s) and Leaders handling the incident should only divulge information to authorised people on a 'need-to-know' basis and in accordance with the Data Protection Act.

Data protection legislation should not be seen as a barrier to sharing information on imposed sanctions or outcomes with the complainant. Decisions to share information of this nature should be made on a case-by-case basis and ensure that the legal principles of the Data Protection Act are adhered to.

2.1.5 Trade Unions

An employee raising a sexual harassment concern has a right to be accompanied by either a Trade Union representative or work colleague to support them through the process. Equally, an employee who is accused of sexual harassment also has the right to be accompanied and supported by either a Trade Union representative or work colleague.

2.1.6 Arrangements for contractors and agency workers/supply staff

The Trust should liaise with the supply agency and agree responsibilities in relation to handling complaints of sexual harassment towards and against the agency worker/contractor, with those arrangements confirmed in writing.

2.2 REPORTING PROCESS

2.2.1 Informal Procedure: Reporting Incidents of Sexual Harassment

Note: The informal stage does not preclude an individual from raising a formal complaint where concerns remain.

Any incident of sexual harassment must be reported to the SLT, or to the CEO if the allegation involves the headteacher, or to the Chair of Trustees if it involves the CEO.

Dependent on the severity of the alleged sexual harassment it may be appropriate for the matter to be raised with the police. The affected individual must determine whether this is an appropriate course of action. Personal safety is paramount and where the affected individual has any concerns about potentially criminal behaviour from the perpetrator, the Trust recommend reporting to the police.

2.2.2 Support for Employees

The Trust is committed to providing support for members of the Trust affected by these issues. Support can be offered through a referral to Occupational Health or measures within school to minimise distress.

2.2.3 Recording Complaints

Leaders or the Line Manager who is receiving a complaint of sexual harassment will record the date, time and facts of the incident/s including how the affected person wishes to progress the matter. A template Sexual harassment Incident Reporting Form is attached as Appendix 2, or a work version can be found on the PACT HR Website in the Advisory SLA Client Information Hub.

2.2.4 Responding to employee's concerns

Addressing issues in an informal way at the outset can be an effective way of resolving interpersonal conflict, tackling minor inappropriate behaviour and minimising any negative impact on the individuals involved. This allows for problems to be settled quickly. Informal resolution is encouraged if the incident(s) is not considered serious by the target of the behaviour and if it can be remedied through open dialogue. Serious incidents are not likely to be appropriate for informal resolution and should be reported so that support and advice can be offered, and where a serious incident of sexual misconduct is alleged, a police investigation may be required. It is for the person affected to determine the preferred pathway for resolution and engaging in informal resolution initially is not a barrier to bringing a formal complaint at a later time.

If a colleague is approached and told that their behaviour could be construed as bullying, harassment or sexual misconduct, they should be prepared to listen patiently and calmly. Whilst it may be upsetting, they should allow the person to express their concerns, and if appropriate try to reach common ground to remedy the situation and allow a positive learning/working relationship to be resumed. Any resolution may include an expectation from the Trust that training is undertaken where appropriate.

2.2.5 Anonymous Concerns

Employees are able to anonymously report incidents of sexual harassment and misconduct against themselves and others. An incident reporting form (Appendix 2) should be completed, sealed in an envelope, and placed in the internal post for the attention of the headteacher. Where the concern relates to the headteacher, reporting forms should be address to the CEO, or Chair of Trustees if it relates to the CEO.

Completion of an anonymous referral may not automatically result in the commencement of the formal complaints process. However, if the submission includes identifying information such as

someone's name and the Trust have concerns about the risk towards the employee, the Trust can take appropriate action.

2.2.6 Formal Procedure: Making a Formal Complaint

2.2.6.1 Complaints against Employees or Trustees / Governors.

Someone who feels they have experienced or witnessed bullying, harassment or sexual misconduct may make a formal complaint against another colleague using the Trust's Grievance Policy.

From this point forward, the complaint will be progressed in accordance with the Trust's Grievance Policy.

2.2.6.2 Complaints against a third party

Staff who feel they have experienced or witnessed bullying, harassment or sexual misconduct by a third-party; pupil, parent/carers of a pupil, or a member of the public should discuss this with their line manager or headteacher in the first instance.

This may involve notifying third parties and using their complaints procedure; or notifying the CEO and/or the police when involving members of the public or where there is an on-going risk to the individual's safety.

2.2.6.3 Complaints by a third party

Third parties or members of the public who feel they have experienced or witnessed bullying, harassment or sexual misconduct by an employee may make a formal complaint to the Trust following the appropriate process i.e. Grievance (employees), complaints (external stakeholders), so the complaint can be investigated accordingly.

2.2.6.4 Outcome of a Formal Complaint

At the conclusion of the investigation process, the Investigating Officer will write to the complainant within five working days to advise whether their complaint has been upheld or not; and informed of the outcome as appropriate.

If the complaint is not upheld, appropriate information will be shared with the employee making the complaint to minimise any adverse effects in accessing their work environment where possible. However, there may be limits to the information about consequences to the named individual(s) that can be shared with the employee making the complaint.

Where the employee who is making the complaint is informed of the outcome they will be asked to respect confidentiality with regards to the outcome.

If the complainant remains unsatisfied with the outcome conveyed they should refer to the Trust's Grievance Policy for details of the Appeals process.

2.3 INTERIM MEASURES

In some cases of reported bullying, harassment and sexual misconduct, it may be necessary to put in place interim measures to prevent further harm taking place whilst formal procedures are initiated. If the incident(s) is serious enough to warrant a potential suspension, the Trust's Disciplinary Policy will be followed.

In some cases, where the incident(s) has not triggered formal procedures, an interim measure may be put in place whilst an investigation is taking place. For example, working in different classrooms, providing the complainant with a separate safe space during breaks or identifying a support person within school.

Any information gathered or disclosed as part of this process will be treated confidentially and sensitively and in accordance with Data Protection legislation.

2.4 POLICE INVESTIGATIONS

2.4.1 Where criminal investigations and/or judicial proceedings are ongoing or are likely to commence in respect of a disclosure or report, the Trust will usually continue its own investigation and any disciplinary action, subject to the circumstances of the case and police advice.

2.4.2 Where, following police advice or otherwise, the Trust decides not to undertake its own investigation until the case has concluded the Trust reserves the right to review this decision and to initiate its own investigation and/or disciplinary action at a later stage in or on completion of the criminal investigation.

2.5 VICTIMISATION

2.5.1 The Trust will not tolerate any form of victimisation against someone who has raised a complaint, or supported a complaint, or for co-operating in an investigation, or challenging unacceptable behaviour, or in each case is believed to have or is believed to be likely to take such steps.

2.5.2 If a formal complaint of victimisation is made about an employee's behaviour it will be fully investigated, during this process or at the end of this it may be dealt with in accordance with the Disciplinary Policy.

2.6 FALSE, BAD FAITH OR MISLEADING COMPLAINTS

2.6.1 The Trust operates on the understanding that complaints are made in good faith and will commence from a position of belief whilst also following the duty to act fairly to both parties.

2.6.2 Submitting a complaint that is not in good faith or providing false or misleading information is prohibited. If, following an investigation or hearing, a complaint is found to be deliberately false, misleading or in bad faith, it will be dealt with in accordance with the Trust's Disciplinary Policy as appropriate.

2.7 RESTORING WORKING RELATIONSHIPS

2.7.1 Dependent on the severity of the complaint and the resultant outcome, it is management's responsibility to restore and re-establish effective working relationships amongst the employees involved. The Trust may seek agreement from both the complainant and the person whom the complaint has been made against, for the case to be referred to mediation, facilitated communication or individual counselling. Engagement with these processes will be on a voluntary basis.

A key principle of any restorative intervention is safety. The well-being of all parties should be considered prior to engaging in any intervention.

2.8 SICKNESS ABSENCE AS A RESULT OF A COMPLAINT

2.8.1 Employees may absent themselves from work as a result of raising a complaint or having a complaint raised against them. In the event of sickness absence occurring any communication surrounding the reasons for absence should be discussed with the employee and their Trade Union representative where appropriate. Appropriate action in terms of sickness absence should be considered on a case-by-case basis. Please contact your named PACT HR Business partner for further guidance.

MONITORING AND REVIEW

The Sexual Harassment Policy will be reviewed annually

Responsibility for reviewing the procedure belongs to the board of Trustees.

This Sexual Harassment Policy was reviewed and formally adopted by Bronte Academy Trust on:

.....13 May 2025.....



.....Signed Chair of Trustees



.....Signed Chief Executive Officer

Sexual Harassment Risk Assessment Form

This form is to be completed to demonstrate how you take reasonable steps to protect staff, workers and volunteers from sexual harassment.

Please keep a copy of this Risk Assessment as a record and ensure it is reviewed on a yearly basis or as required (whichever is the soonest) to remain compliant. Please refer to PACT HR's Sexual Harassment Policy for guidance.

Part A: Assessment Framework

Insert Name of School/Academy/Trust:			
Assessor / Person(s) completing the assessment:		Date:	

Likelihood of Occurrence	Situation / area where an employee may be more exposed from Sexual Harassments				
	1 Negligible	2 Slight	3 Moderate	4 Severe	5 Very Severe
1 Very Unlikely	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
2 Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
3 Possible	Low (3)	Low (6)	Medium (9)	High (12)	High (15)
4 Probable	Low (4)	Medium (8)	High (12)	High (16)	High (20)
5 Very Likely	Low (5)	Medium (10)	High (15)	High (20)	High (25)

Likelihood of occurrence X Severity of outcome = Risk Rating

Example: Likelihood (possible 3) X Severity (Moderate 3) = Risk Rating (Medium 9)

Persons / groups who are identified as posing a potential risk to employees			
A	Employees	E	Pupils

B	Contractors / sub-contractors	F	Parents / Guardians of Pupils
C	Work Experience	G	Visitors
D	Volunteers	H	General Public

Part B: Assessment *(insert more rows as needed)*

Situation where an employee may be more exposed from Sexual Harassment	Persons identified who could pose a risk to employees (refer to grid A-H)	What are the existing measures?	Risk rating (refer to chart)	Further action required to eliminate or reduce the risk of exposure (who by and Date)	Residual risk rating (refer to chart)

Part C: Details and Review

<i>Completed By:</i> <i>When the assessment is complete it should be signed to say that is the case and all identified actions have been implemented</i>		Date
<i>Review Date Due:</i>		

APPENDIX 2: Sexual Harassment Incident Reporting Form

This form may be used to report incidents of Sexual Harassment. Please complete in as much detail as possible and retain a copy for your records.

School/Academy/Trust	
Name of person reporting incident	
Name of person the incident is being reported to	
Date & time report made	
Date of incident(s)	

Please provide full details of the incident facts:

[Expand box / Use additional sheets as necessary]

Please provide details of how the person affected would like to resolve the incident(s):

[Expand box / Use additional sheets as necessary]

Please indicate actions / plan to follow up and who is completing:

[Expand box / Use additional sheets as necessary]

Trade Union Representative or a fellow employee's details supporting through this process.

Name:

Role:

Contact Details:

Submission:

Signature of Employee:

Date:

Print Name:

Date Resolved:

Name:

APPENDIX 3: EQUALITY IMPACT ASSESSMENT

A word version for adaptation of this Appendix is available on the PACT HR Website: HR Business Partnering: Advice and Guidance Section.

Introduction

All Schools, Academies and Trusts need to ensure that all strategies, policies, service and functions, both current and proposed have considered equality, diversity and inclusion. The below is a recommended Equality Impact Assessment (EIA) Form for use in conjunction with PACT HR Policies. For further advice regarding the completion of this form, please contact your named PACT HR Business Partner.

Assessment

School Name:	
Policy Name:	
Name of staff member conducting assessment:	
Date of assessment:	
Reason for assessment: (what are you aiming to do?)	

Main Stakeholders/Beneficiaries: (e.g., Staff; Pupils; Governors; Trustees)

Will the proposed policy/project/ strategy etc. impact on equality groups? What information / data do you have? What further information do you need? What cross-strand issues do you need to consider? Please include any actual or potential impacts on stakeholders (e.g., Staff; Pupils; Governors; Trustees,)	
Race	
Sex	
Age	
Disability	
Pregnancy and Maternity	
Gender Reassignment	
Marriage and civil partnership	
Religion or Belief	
Sexual Orientation	

Improvement Plan

The Improvement Plan needs to outline actions you propose to take to mitigate actual or potential negative impacts.

Issues Identified	Action Required	Lead	Timescale	Comments

Governance, ownership and approval

Please state here who has approved the actions and outcomes of the assessment (add rows as required)		
Name	Job title	Date

Publishing

This document will act as evidence that due regard to equality and diversity has been given. For record keeping purposes a copy will be kept on file with a copy of the policy and one with the Governing Body / Board of Trustees approval.	
Date screening completed:	
Date agreed: Governors Body / Board of Trustees	