Hampton Court House

Prevention of Sexual Harassment Policy

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Reviewed by PGP

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1. POLICY STATEMENT

Hampton Court House School is dedicated to providing a working environment that is free of harassment and bullying, and where everyone is treated and treats others, with dignity and respect. The School will not permit or condone any form of bullying or harassment.

As a responsible and inclusive employer, and in full understanding of our obligations under the Worker Protection (Amendment of Equality Act 2010) Bill effective of October 2024, Hampton Court House School is committed to taking proactive steps to prevent employees experiencing sexual harassment in the course of their employment and also to comprehensively investigating and finding resolution to any alleged acts of sexual harassment.

2. POLICY SCOPE

This policy applies to all employees of the School and extends to third parties.

This policy considers sexual harassment occurring 'in the course of employment'. This covers sexual harassment occurring within the workplace but it also covers sexual harassment occurring at a work-related event such as conferences or leaving drinks and acknowledges that the School should seek to prevent third-party sexual harassment.

This policy is non-contractual and does not impact upon an employees statutory rights. The School reserves the right to amend, withdraw or replace this policy at any time.

3. WHAT IS SEXUAL HARASSMENT?

3.1 Sexual harassment is unwanted attention that violates a person's dignity or creates an offensive or degrading environment. Sexual harassment makes the person, or persons, affected feel uncomfortable, threatened or offended. It is the effect that matters regardless of whether or not the effect was intended.

3.2 A range of behaviours recognised to be forms of sexual harassment are listed below. However, this list is not exhaustive. It is important to bear in mind that sexual harassment covers a very broad spectrum of behaviour, and may not always appear to be overtly sexual in nature, but can include:

- sexual images displayed or shared;
- offensive words or comments;
- demeaning or humiliating behaviour or language;
- references to someone's body;
- intrusive questions about someone's private life;
- stalking, including online stalking;
- sexual gestures, such as simulating sexual acts;
- unwanted touching, such as putting hand on someone's knee or hugging them;
- unwanted sexual attention whether verbal or physical;
- coercing someone into sexual relations through pressure, manipulation or threats, or offering rewards in exchange for sex;
- sexual violence, including rape, or threatening to carry out sexual violence or unwanted sexual acts.

3.3 Sexual harassment is often considered a disciplinary offence and, in some cases may also be a criminal offence.

3.4 Although, statistically, women are more likely to experience or report sexual harassment, it can happen to anyone. Sexual harassment does not always occur in plain sight. It can happen in-

person and online, and outside of as well as during working hours. Regardless of when and how it occurs, the School will consider any sexual harassment involving employees as a workplace issue and will take action in line with our disciplinary policy accordingly.

4. OUR COMMITMENT

4.1 The School will provide regular training sessions so that you have an understanding of what bullying and harassment is and your role in preventing and addressing it.

4.2 We will also ensure that training, education and guidance to the Senior Leadership Team and line managers gives them the confidence to tackle bullying and harassment.

4.3 We recognise the need for regular risk assessments and audits to identify and mitigate risks of sexual harassment. We will actively consider the risks of sexual harassment occurring in the course of employment and devise and implement reasonable steps we can actively take to reduce those risks and proactively prevent sexual harassment occurring.

4.4 We will follow a clear, fair and supportive procedure to encourage the reporting of potential or alleged sexual harassment in the course of employment which is described below.

5. LEADING BY EXAMPLE

5.1 Senior leaders and Heads of Faculty/line managers must foster a culture built on mutual respect where all employees feel safe to share their views and raise concerns. The School expects leaders and line managers to act as role models by consistently demonstrating respectful and inclusive behaviour. This includes being aware of how their own status and actions may impact on others.

5.2 In addition to self-awareness the School expects and encourages leaders and line managers to regularly seek and act on feedback from their teams and peers in regards to an inclusive culture actively engaged in preventing sexual harassment.

5.3 Preventing sexual harassment requires leaders and line managers to communicate that any form of unfair treatment such as sexual harassment will not be tolerated. Offensive behaviour can sometimes be excused as banter or jokes, so leaders and line managers must maintain high standards, even if they may face criticism for doing so.

5.4 The School will give appropriate training, education and guidance to leadership and line managers to ensure they have the confidence and capability to be proactive and deal with unacceptable behaviour at the earliest possible stage.

5.5 As a leader or line manager, you are also well placed to pick up on any underlying tensions that could indicate potentially inappropriate behaviours or attitudes. These may include employees unwilling or reluctant to work together, heated exchanges or perceived favouritism.

5.6 The School will support and train leaders and line managers so that they are able to foster a culture of open communication and reinforce values based on dignity and respect as this will enable them to understand and resolve issues in their team proactively, quickly, effectively and impartially.

6. HOW WE CAN ALL HELP PREVENT SEXUAL HARASSMENT

6.1 We all have a shared responsibility to help create and maintain an environment free of sexual harassment. You can do this by:

- Considering how your own behaviour may affect others, and amending it accordingly;
- Being receptive, rather than defensive, if asked to modify your behaviour;
- Treating your colleagues with dignity and respect;
- Taking a stand if you think inappropriate comments, jokes or behaviour is occurring;
- Making it clear to others if you find their behaviour unacceptable;
- Intervening if possible to stop sexual harassment and giving support to others;
- Reporting sexual harassment or potential sexual harassment in the appropriate manner to either your line manager or a member of HR.

VICTIMISATION

Victimisation means treating an employee badly (subjecting them to a detriment) because they have done a protected act- for example making a complaint of harassment. Victimisation also means subjecting an employee to a detriment because it is believed they have done or are going to do a protected act. The employee does not actually need to have done the protected act.

What is a protected Act?
Doing a protected act means:

- making a claim or complaint of discrimination (under the Equality Act)
- helping someone else to make a claim by giving evidence or information
- making an allegation that someone else has breached the Equality Act
- doing anything else in connection with the Equality Act

The School recognises the significant role that fear of victimisation plays in relation to how we approach and deal with sexual harassment at work. This is a key factor in our ability to prevent and protect employee's from harassment.

The School recognises it has a preventative duty and anticipatory duty. We will take positive and proactive steps to prevent sexual harassment and will not wait until a complaint of sexual harassment has been raised before we take action.

Every effort will be made to protect the complainant from on-going harassment or being victimised during an investigation or complaint.

7. WHAT TO DO IF YOU ARE CONCERNED ABOUT SEXUAL HARASSMENT

7.1 The following process can be followed by any employee of the School. You can follow this process if you feel you are experiencing sexual harassment or if you witness sexual harassment or have a concern that another colleague may be experiencing sexual harassment.

7.2 The School commits to treating all allegations of sexual harassment with the upmost seriousness. We will follow a fair and equitable process to ensure all concerns are investigated thoroughly to allow us to resolve matters promptly whilst ensuring all parties are treated sensitively and in a confidential manner.

7.3 Informal approach

You may be able to sort matters out informally. The person may not know that their behaviour is unwelcome or upsetting, so an informal discussion may help them to understand the effects of their behaviour and agree to change it.

If you feel able to, tell the person what behaviour you find offensive and unwelcome and say that you would like it to stop immediately. You are encouraged to keep a note of the date and what was said and done. This will be useful if the unacceptable behaviour continues and you wish to raise the matter formally.

If this is too difficult for you, please speak to your line manager or a member of HR for advice and assistance. They may, with your agreement, speak to the person concerned on your behalf or accompany you when you speak to the other person.

If the informal approach is not appropriate, or has not been successful, you should raise the matter formally through our grievance procedure.

7.4 Formal procedure

When any employee feels that they need to deal with an issue of sexual harassment formally, you should make a formal complaint in accordance with our grievance policy.

Your 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.

If you wish to make a formal complaint about victimisation, you should submit it in writing to your line manager who will inform the Senior Vice Principal.

We will investigate all complaints of this nature in a timely, confidential and sensitive manner.

The investigation will be conducted by someone with appropriate seniority, training and experience and with no prior involvement in the complaint. Details of the investigation and the names of any persons involved will only be disclosed on a 'need to know' basis. We will consider whether any steps are necessary to manage the ongoing employment relationship between all parties involved.

If the report does not come directly from the person being harassed, the nominated investigator will confidentially speak to the person affected and ideally encourage them to report. In cases where individuals are reluctant to report despite encouragement, the investigating manager needs to respect the wishes of the person making the complaint as far as possible.

Once the investigation is complete, the School will inform all parties (separately) of our decision. Whether or not a complaint is upheld, we will consider how best to manage any ongoing working relationships between all parties. 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.

If the manager considers that there is a case to answer and the harasser is an employee, the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure. Our investigation into your complaint may be put on hold pending the outcome of the Disciplinary Procedure. Where the disciplinary outcome is that sexual harassment occurred, prompt action will be taken to address it. If the harasser is a third party, such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem.

7.5 Supporting the investigation

All reports of sexual harassment should be believed and protecting the person who raised the complaint or who is the recipient of sexual harassment should be paramount. Alongside this, the alleged harasser also needs to be treated fairly in line with procedure and the law.

In some cases, more immediate action may need to be taken, such as suspending or moving the alleged harasser. A member of HR will be able to advise investigating managers on the appropriate course of action. Care must be taken to ensure no action is taken that could be perceived as punishing any person who raises a complaint.

8. IF YOU WITNESS SEXUAL HARASSMENT

8.1 Staff who witness sexual harassment or victimisation are required to take appropriate steps to address it. Depending on the circumstances, this could include:

8.1.1.1 Intervening where you feel able to do so.

8.1.1.2 Supporting the victim to report it or reporting it on their behalf.

8.1.1.3 Reporting the incident where you feel there may be a continuing risk if you do not report it.

8.1.1.4 Co-operating in any investigation into the incident.

8.2 All witnesses will be provided with appropriate support and will be protected from victimisation.

9. PROVIDING SUPPORT

9.1 The School understands that reporting sexual harassment takes courage and can be extremely stressful. We will ensure that any individuals raising a concern or complaint are given reassurance and support throughout the process. This support may also need to be extended to any employees who have witnessed sexual harassment.

9.2 As well as providing opportunities to talk, our HR team are trained to signpost employees to relevant services such as occupational health or counselling if appropriate.

9.3 The School educates leaders and line managers to be vigilant for signs of victimisation whereby an employee is treated less favourably because they have reported sexual harassment and will take appropriate action through our disciplinary policy if required.

10. CONSEQUENCES OF A BREACH OF THIS POLICY

10.1 If after due investigation, we consider that an incident of sexual harassment has occurred, the matter will be dealt with under the disciplinary procedure as a case of possible misconduct or gross misconduct. The person concerned may be suspended on full pay during the investigation until any eventual disciplinary proceedings have been concluded. If the complaint is upheld, a disciplinary sanction may be imposed up to and including dismissal, depending on all relevant circumstances.

10.2 Incidents of sexual harassment may constitute a criminal offence, and the School may suggest that the matter is reported to the police.

10.3 In our commitment to prevent sexual harassment in the course of employment, we will fully analyse any unaddressed risks which were not recognised and could have reasonably prevented any incident of sexual harassment and put in place any reasonable measures to prevent a recurrence of a similar nature.

10.4 If someone makes a complaint which is not upheld, and the School has good grounds for believing that the complaint was not made in good faith, we make take disciplinary action against the person who made a false complaint.

11. RECORD KEEPING

Information about a complaint by or about an employee may be placed on either party's personnel file, along with a record of the outcome and any other notes or documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

12. REVIEW

This policy will be reviewed at regular intervals to ensure compliance with UK regulations and best practice. Other relevant policies relating to dignity at work:

- Staff Code of Conduct Policy
- Whistleblowing Policy
- Staff Handbook

Link to ACAS information https://www.acas.org.uk/sexual-harassment