

Philpots Manor School



Sexual Harassment Policy

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1. Aims

Philpots Manor School is committed to providing a work environment free from sexual harassment where everyone is treated with dignity and respect. Sexual harassment is unlawful and we will not tolerate it.

We will take active steps to help prevent our staff from being sexually harassed in the workplace or from being victimised if they have made a complaint or have supported someone who has made a complaint.

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

Sexual harassment can result in legal liability for us as a School as well as the perpetrator.

Any member of our staff who sexually harasses another person will be disciplined and, where appropriate, may be dismissed.

This Policy:

- explains what sexual harassment is;
- sets out the standards or behaviour we expect you to follow;
- sets out the process you should follow if you wish to raise a complaint;
- explains how Philpots will deal with any complaints and;
- explains the preventative measures we will take to reduce the risk of sexual harassment happening in our workplace.

The Policy applies to everyone who works for us, including employees, workers, agency workers, consultants, casual workers and volunteers. It does not form part of your contract with us and we reserve the right to amend it at any time.

2. What is Sexual Harassment

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. Unwanted means unwelcome or uninvited. It reflects the employee's view and means unwanted by them.

It also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature in the past.

Some examples are:

- unwanted physical conduct including touching, kissing, or making sexual advances (this covers any physical contact that is unwanted or unwelcome, even if its not violent or aggressive);
- continued suggestions of sexual activity after it has been made clear that such suggestions are unwelcome;
- making offensive or unwelcome sexual advances or suggestive behaviour of a sexual nature (this includes any comments that are sexually suggestive, derogatory or humiliating);
- sending or displaying material that is sexual (including emails, text messages, video clips and images sent by mobile phone or posted on the internet). This covers any images or material that are sexually suggestive or offensive, even if they are not explicit, or
- engaging in other forms of conduct of a sexual nature that is unwelcome or offensive. This includes any other behaviour that is sexually suggestive, derogatory or humiliating, such as making offensive jokes or gestures.

A single incident or a series of incidents can amount to sexual harassment.

A person can be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleagues screen in the workplace or by overhearing colleagues boasting about their sexual conquests.

A person may experience sexual harassment because of conduct of a sexual nature that they find unwanted, even if it was not intended to have that effect by the person doing it. For example, whilst a joke may have been intended to be inoffensive, it may be offensive to the recipient and if it is of a sexual nature, this may amount to sexual harassment.

Philpots will not tolerate sexual harassment our school. Any member of staff who sexually harasses another person will be disciplined (and in appropriate cases may be dismissed) if it happens:

- in a work situation including whilst working from home;
- during any situation related to work, such as at a social event with colleagues, clients or customers;
- on social media or other platforms and involves a colleague or any other person connected to us;
- against anyone outside of a work situation where the incident may negatively impact on our reputation or is relevant to your suitability to carry out your role.

3. Third-Party Harassment

Third-party harassment occurs where a person is sexually harassed by someone who isn't employed by us or is under our control but with whom they have come into contact during the course of their employment. Third-party harassment could include , for example, unwelcome sexual advances from a supplier visiting our site, relatives of students, or where employees are visiting third-party premises in the course of their employment.

The law requires Philpots to take reasonable steps to prevent sexual harassment by third-parties and we will not tolerate third-part harassment by a third-party to our staff. Examples of steps that we will take to prevent third-party harassment include warning notices to our visitors.

All staff are encouraged to report any sexual harassment they experience or witness in accordance with this policy, including third-party harassment and to speak to their manager or HR if they think there are additional steps we could take to protect them from sexual harassment.

4. The Steps Philpots are taking to Prevent Sexual Harassment

We will take the following reasonable steps to prevent sexual harassment in our workplace:

- Conduct regular risk assessments to identify where our staff may be exposed to sexual harassment by other members of staff or by third-parties;
- ask staff to complete SSS on-line training on Sexual Harassment;
- Make this policy available to all staff
- encourage staff to report incidents and deal with complaints in line with this policy.

5. How to Raise Awareness of an Issue

We encourage staff who witness sexual harassment or victimisation to take appropriate steps to address it. Depending on the circumstances, this could include:

- intervening where you feel safe to do so;
- supporting the victim to report it or report it on their behalf;
- reporting the incident where you feel there may be continuing risk if you do not report it;
- co-operating in any investigation into the incident.

You can also report the issue anonymously giving as much detail or speak with your line manager/HR for advice.

If you believe that you have been sexually harassed, you have a number of options open to you:

- If you feel confident doing so, speak to the person who has harassed you, explain why their behaviour is unwanted and ask them to stop. Sometimes, people do not realise how their actions are impacting others and pointing this out can be enough to prevent repeat behaviours. Please speak to your manager/HR if you would like advice about how to approach the conversation.
- make a complaint under our grievance procedure (you have the choice of choosing an informal or formal approach). Sometimes an informal solution may not be appropriate or hasn't worked. Where appropriate we will speak with you about making a formal complaint.
- report confidentially to HR. You don't have to give your name unless you wish to, although it may impact on our ability to fully investigate incidents if we don't have full details about what has happened, whether anyone witnessed it etc.

If you are not certain whether an incident or series of incidents amounts to sexual harassment, please speak to your line manager or HR for advice.

If your concerns relate to your manager, contact HR or another member of the SLT.

We want to reassure you that you will not be penalised for making a complaint - even if we don't uphold it. Staff will only face disciplinary action if we reasonably conclude that allegations are false and were made in bad faith (that means an employee who made the complaint didn't honestly believe it to be true).

6. How We Will Deal With Complaints

We will deal with complaints in line with our Grievance Policy.

We may, if we think it is necessary, separate you from the person you are complaining about whilst we investigate to prevent things from getting worse whilst the investigation is ongoing. This is not a pre-judgement of your complaint and we will discuss this with you before doing it.

If we uphold your complaint we will deal with the matter in acceptance with our Disciplinary Policy.

If your complaint is not upheld, we will explain how you can appeal in accordance with our Grievance Policy. If your complaint relates to a colleague, we will consider ways of improving your relationship with them. We may, for example, offer mediation.

7. When we will take Disciplinary Action

Any employee found to have sexually harassed a colleague or another person will be subject to disciplinary action and may be dismissed. We will take into consideration any aggravating factors such as abuse of power over a more junior or vulnerable colleague, when deciding on the appropriate disciplinary action. We may also report any criminal acts to the police.

8. How we will Protect and Support those Involved

Anyone who raises an allegation of sexual harassment with us in good faith will not be subjected to any detriment as a result.

We will provide appropriate support to anyone who makes a complaint or who witnesses an incident and will protect them from victimisation. You should not fear retaliation for having raised or supported a complaint of harassment and you will be protected from being treated less favourably because you have done so.

We will provide SSS training on Sexual Harassment to all staff.

We will undertake risk assessments and take other reasonable measures to understand areas and roles which are most at risk of sexual harassment and will take reasonable preventative steps to mitigate those risks.

9. How We Maintain Confidentiality

We are committed to handling all complaints or sexual harassment sensitively and confidentially.

If you have made a complaint, witnessed an incident or are accused of sexual harassment, you must not discuss the case with anyone except:

- any member of the SLT;
- your trade union representative;
- someone at work that is acting as your companion at a formal meeting;

- close family or friends that are supporting you;
- anyone who is providing counselling or other services to you provided they are suitability qualified. That includes using the WeCare service.

We will ensure that any investigation into a complaint is conducted confidentially and that the details of the complaint are only disclosed to those who need to know in order to investigate and resolve the matter. In some cases, this may include providing information to the police.

We may place information and documents about a complaint raised by you, or about you, on your personnel file. These will be processed in accordance with our GDPR Policy.

We will only use non-disclosure agreements or confidentiality provisions if it is lawful, necessary, and appropriate to do so, and will not prevent employees making protected disclosures (whistleblowing) as defined under the Employment Rights Act 1996.

If you fail to maintain confidentiality when you are involved in some way in a sexual harassment complaint, then you may face action under our Disciplinary Policy.

10. Links to other policies:

- [Staff Wellbeing and Stress Management Policy](#)
- [Grievance Policy](#)
- [Disciplinary Policy](#)
- [GDPR Policy](#)