

Sexual Harassment Policy		
Lead: People Advisor		Status: Approved
Version: 1		Date of version: December 2024
Approving body: Executive Team		Supersedes: Version 1
Approved on: 4 February 2025		Next review date: February 2030
Equality Analysis Tool ¹		
1.	Is this policy relevant to the public sector equality duty?	Yes
2.	Have any concerns previously been raised about this policy or practice?	No
3.	Is this policy likely to result in discrimination against a protected group?	No
4.	Does this policy positively contribute to the participation of under-represented groups in the Group's activities?	No
Version Control		
Version	Date	Change(s)
1	17 December 2024	New policy. Complies with Worker Protection Act 2023 (amendment of Equality Act 2010).
Access		
Location	Yes	
Sharepoint	Yes	
Service Centre	Yes	
Communication		
Medium	Audience	
e.g. Team Briefing, Managers' Briefing, All-site Staff Meetings	For all staff and third parties	

¹ The Screening Template relating to the Sexual Harassment Policy can be found on page 8 of this document.

SEXUAL HARASSMENT POLICY AND PROCEDURE

Review Cycle:	Every 5 years
Next Review Date:	January 2030
Person Responsible:	Director of People Services
Approving Body:	Executive Leadership Team

1. Introduction

- 1.1 The Heart of Yorkshire Education Group (referred to as the Group within this policy) are committed to providing a work environment free from sexual harassment where everyone is treated with dignity and respect. Sexual harassment is unlawful, undermines the integrity of the work environment and the well-being of all employees.
- 1.2 This Policy applies to everyone who works for the Group, including employees, workers, agency workers, consultants, casual workers and volunteers. It also applies to any off-site events, work-related social functions, or digital communications where employees interact in a work-related capacity. It does not form part of your contract with the Group, and we reserve the right to amend it.

2. Key Principles

- 2.1 The Group 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 else who has made a complaint.
- 2.2 The Group encourage anyone 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.

3. Purpose and Aims

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

4. What is “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. Unwanted means unwelcome or uninvited. It reflects the employee’s view and means unwanted by them.
- 4.2 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.
- 4.3 Some examples are:
- unwanted physical conduct, including touching;
 - continued advances, flirtations or suggestions for sexual activity after it has been made clear that these are unwelcome;
 - unwelcome sexual advances or suggestive behaviour;
 - threats or insinuations that refusal of sexual advances will negatively affect job status, performance, or opportunities;
 - sending or displaying material that is sexual (including emails, text messages, video clips and images sent by mobile phone or posted on the internet); or
 - banter of a sexual nature.
- 4.4 A single incident can amount to sexual harassment.
- 4.5 A person may 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 colleague’s computer in the workplace or by overhearing colleagues’ boasting about their sexual conquests.
- 4.6 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.
- 4.7 The Group will not tolerate sexual harassment in our workplaces. Any member of staff who is found to have sexually harassed 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.

5. Third-party harassment

- 5.1 Third-party sexual harassment occurs where a person is sexually harassed by someone who isn't employed by the Group or is under our control but with whom they have come into contact during their employment. Third-party harassment could include, for example, unwelcome sexual advances from a supplier visiting our premises, by our customers/students, or where employees are visiting third party premises in the course of their employment.
- 5.2 The law requires all employers to take reasonable steps to prevent sexual harassment by third parties. The Group will therefore not tolerate third party harassment either by a third party to Group staff or by Group staff to a third party.
- 5.3 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 any other appropriate person within the Group if they think there are additional steps we could take to protect them from sexual harassment.

6. Steps being taken to prevent sexual harassment

- 6.1 The Group will take the following reasonable steps to prevent sexual harassment in our workplace:
- conduct regular risk assessment to identify where our staff may be potentially exposed to sexual harassment by other members of staff or by third parties;
 - implement training for all employees to ensure they recognise behaviours that may amount to sexual harassment, understand how to behave towards the people they come into contact with and how to complain if they experience or witness inappropriate behaviour;
 - make this policy available to all members of staff;
 - encourage staff to report incidents to deal with complaints in line with this policy.

7. How to complain or raise issues

- 7.1 The Group encourage anyone who witnesses sexual harassment or victimisation to take appropriate steps to address it. Depending on the circumstances, this could include:
- intervening where you feel able to do so;
 - supporting the victim to report it or reporting it on their behalf;

- reporting the incident where you feel there may be a continuing risk if you do not report it; and
 - co-operating in any investigation into the incident.
- 7.2 You can also report the matter anonymously as detailed below or speak to your manager for advice.
- 7.3 If you believe that you have been sexually harassed you have several 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 behaviour. Please speak to your manager, senior manager, Trade Union Representative or People Services representative if you'd like advice about how to approach the conversation;
 - Make a complaint under our grievance procedure (you have the option of choosing an informal or formal approach). Sometimes an informal solution may not be appropriate or hasn't worked. Where appropriate, a manager or the People Services team will talk to you about making a formal complaint;
 - Use our confidential reporting process, by putting your concerns in writing and sending it to the People Services Team, for the attention of Director of People Services. 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.
- 7.4 If you are not certain whether an incident or series of incidents amounts to sexual harassment, please speak to your line manager or a member of the People Services team and ask for advice.
- 7.5 If your concerns relate to your manager, contact another senior leader, Trade Union Representative or a People Services Advisor.
- 7.6 The Group 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 their allegations are false and were made in bad faith (that means the employee who made the complaint didn't honestly believe it to be true). This will only be necessary in exceptional circumstance.

8. How your complaint will be dealt with

- 8.1 The Group will deal with internal complaints in line with our grievance policy. Third parties should follow the Complaints Procedure.
- 8.2 The Group may, if we think it 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 prejudgment of your complaint, and we will discuss this with you before doing it.

- 8.3 If your complaint is upheld, the Group will deal with the matter in accordance with our disciplinary policy.
- 8.4 If the Group decide not to uphold your complaint, we will explain why and 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 and may, for example, suggest mediation or offer training.

9. When disciplinary action will be taken

- 9.1 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.
- 9.2 If a member of staff has been harassed by a third party, we will take appropriate action to prevent it from reoccurring. That may include warning the harasser that if they repeat their behaviour, we may ban them from our premises and report any criminal acts to the police.

10. How we will protect and support those involved

- 10.1 Anyone who raises an allegation of sexual harassment with us in good faith will not be subjected to any detriment as a result.
- 10.2 Appropriate support will be provided to anyone who makes a complaint or who witnesses an incident and will be protected 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.
- 10.3 Access to confidential counselling through the Employee Assistance Programme is available for anyone affected by, or accused of, sexual harassment.
- 10.4 Training will be provided to all employees on what sexual harassment is and how to report it. Separate training will be provided to managers so they understand the role they have in supporting colleagues who experience or witness sexual harassment.
- 10.5 The Group 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.

11. How confidentiality will be maintained

11.1 The Group are committed to handling all complaints of sexual harassment sensitively and confidentially.

11.2 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 manager or other responsible person in our organisation you have approached for help and support;
- your trade union representative;
- someone at work who is acting as your companion at a formal meeting;
- close family or friends who are supporting you;
- anyone who is providing counselling or other services to you provided they are suitably qualified.

11.3 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 to investigate and resolve the matter. In some cases, this may include providing information to the police or to a regulator.

11.4 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.

12. Monitoring and Evaluation

12.1 The effectiveness and contents of this policy will be regularly reviewed. In addition to ensuring the policy is reviewed against changes to employment legislation and best practice, the Group will also identify any themes that emerge, evaluate feedback and consider what lessons can be learned as part of that review.

13. Policy links

13.1 The following internal policies contain additional guidance:

- Grievance Policy
- Disciplinary Policy

This policy links to all other staff related policies.

Appendix One: Screening Tool

Public Sector Equality Duty

The Public Sector Equality Duty requires the Group to have due regard for the need to eliminate discrimination, harassment and victimisation, and other conduct prohibited by the Equality Act 2010.

Advance equality of opportunity between people from different groups; this involves considering the need to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics.
- Meet the needs of people with protected characteristics.
- Encourage people with protected characteristics to participate in activities where their participation is low, and to
- Foster good relations between people from different groups. This involves tackling prejudice and promoting understanding between people from different groups.

Consequently, we need to assure ourselves that our policies will not have an adverse differential impact on any particular group. This pre-screening section will enable you to identify whether your policy is likely to have an adverse differential impact.

Please use the following template to help determine whether an equality analysis is required.

Name of the policy:	Sexual Harassment Policy
Author:	People Advisor

Author of Equality Analysis	
Author:	Sarah Hoffmann
Job Title:	People Advisor
Date:	17 December 2024
Signature:	S Hoffmann

To decide whether the policy requires further action, please complete the following questions:

1. What are the main aims, purpose and outcomes of the policy?		
<p>This Sexual Harassment Policy sets out a framework to deal with harassment that occurs by staff (which may include consultants, contractors and agency workers) and by third parties such as customers, suppliers or visitors to our premises. This Sexual Harassment Policy aims to protect employees, consultants, self-employed contractors, casual workers, agency workers and volunteers from unwanted sexual advances and give them guidelines to report incidents. The policy also outlines how we handle complaints and issues, deal with sexual harassment, and the protection and support the Group will offer those involved.</p>		
2. Will these aims affect our duty to:		
	Yes / No	How?
Advance equality of opportunity?	Yes	<p>The aims of the policy consider all of the characteristics.</p> <p>This policy will ensure that employees are aware of the nature of sexual harassment and how it can be experienced differently by different people because of other characteristics. It will provide managers with a robust and clear framework for dealing with sexual harassment complaints and provide them with the right tools to do this and take a proactive approach in helping employees to come forward to raise complaints.</p> <p>The policy will also signpost employees to receive the necessary support if they have experienced sexual harassment</p> <p>This is a supportive and positive policy. This policy will ensure that all complaints are dealt with in a fair and consistent manner.</p>

		This policy also outlines that third parties will also be considered under the policy.
Eliminate discrimination?	Yes	Ensuring all employees are treated fairly and consistently.
Eliminate harassment?	Yes	The policy covers all Group employees and aims to treat everyone fairly, regardless of any protected characteristic. It seeks to ensure that there are no barriers to anyone accessing and making use of the policy and related procedures.
Foster good relations between people from different groups?	Yes	The policy encourages all staff members from various groups to act in line with the Group's values, ensuring consistent and fair treatment for everyone. By demonstrating that all employees are treated equally, it aims to foster positive relations among people from different groups.
Tackle prejudice and promote understanding between people from different groups?	Yes	The proactive approaches highlighted in the policy along with achieving effective outcomes following a complaint.
3. What aspects of the policy, including how it is delivered, or accessed, could contribute to inequality?		
<p>The policy is available and accessed online, however paper copies are available upon request.</p> <p>Awareness of communication: to ensure employees are aware of the policy, it will be communicated via the weekly bulletin and available on the Staff Service Centre.</p> <p>Training - certain groups e.g. part-time employees, employees whose roles are not computer based, may be unaware of the policy and training. The training is mandatory and all employees will be made aware of this via team meetings, briefings and via the employee's Service Centre.</p> <p>Reporting mechanisms – some groups may feel reluctant to report sexual harassment due to concerns about retaliation. The policy address this through a</p>		

confidential reporting process and commitment to handling complaints sensitively and confidentially.

4. Will the policy have an impact (positive or negative) upon the experience of people, including those who share a protected characteristic?

Protected Characteristic	Meet needs of people with this characteristic	Encourage participation (if under-represented)	Remove or minimise disadvantage	Positive negative impact
Race	Yes			
Gender	Yes			
Disability	Yes			
Religion / belief	Yes			
Sexual orientation	Yes			
Gender reassignment	Yes			
Pregnancy / maternity	Yes			
Age	Yes			
Marriage / civil partnership	Yes			

Evidence: The policy addresses all concerns raised by employees, including those that relate to protected characteristics. It outlines possible routes to solutions using other policies.

4.1. In addition, please consider whether this policy may indirectly discriminate against young adult carers (16-24). Although not a legally protected group, this group often suffers disadvantage due to their caring responsibilities and we have a moral duty to protect them.

Evidence: The policy does not indirectly discriminate, however, to mitigate risk the policy will be accessible via various channels, i.e. email, Share Point, and formats digital and downloadable paper copies; and flexible reporting mechanisms to accommodate responsibilities of carers.

What different needs, experiences or attitudes are particular communities or groups likely to have in relation to this policy?

Evidence: Not aware of any.

Next steps:

If your answers to these questions have identified potential negative impacts, then you should consider further consultation or action to minimise the differential impact. Please contact the Executive Director, Curriculum & Quality for support.

If no further action is required, please sign the declaration below and include with all published copies of the policy.

Declaration**Author(s) of Equality Assessment**

Name:	Sarah Hoffmann
Job Title:	People Advisor
Date:	17 December 2024
Signature:	S Hoffmann