

Policy Title:	Employees and Workers Sexual Harassment Policy (No change)
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Member of Staff Responsible:	Chief Executive Officer
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Change Record		
Version	Date	Description
1	Dec 2025	No change, new policy in 2024.
2		
3		
4		

Primitas Learning Partnership promotes the safeguarding and welfare of all children in its care; all policies are developed and formulated with this in mind

Sexual Harassment Policy

Introduction

Primitas Learning Partnership recognises that all members of staff are entitled to be treated with dignity and respect in our place of work. This means freedom from sexual harassment, feeling safe and supported, and having access to redress if such behaviour does arise.

Sexual harassment takes many forms, but whatever form it takes, it is unlawful under the Equality Act 2010. Primitas Learning Partnership will not tolerate sexual harassment.

Any reference to 'the employer' refers to Primitas Learning Partnership and 'the appropriate level of authority' should be determined according to the Trust's scheme of delegation and the context within which any instance arises.

The law requires employers to take reasonable steps to prevent sexual harassment of their workers. The Trust takes action to prevent sexual harassment from occurring and has clear reporting procedures for our staff to make a complaint about sexual harassment. If a colleague has been sexually harassed or has witnessed sexual harassment, they are encouraged to report this so that it can be dealt with swiftly. Within each academy the headteacher has overall responsibility for the operation of this policy. An open door policy is in operation and colleagues are encouraged to come forward with any concerns in relation to sexual harassment. All colleagues have a responsibility to behave in line with the requirements of this policy.

Instances of sexual harassment or victimisation may lead to disciplinary action being taken, up to and including termination of employment.

This policy will be reviewed regularly to ensure it remains up to date and in order to monitor its effectiveness. Any changes required will be implemented and communicated to colleagues.

Scope

Primitas Learning Partnership deplores all forms of sexual harassment and seeks to ensure that the working environment is safe and supportive to all those who work in the Trust. This includes employees, workers, agency workers, volunteers and contractors in all areas of our organisation.

This policy does not form part of the contract of employment and may be amended from time to time.

Definitions

Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It also covers treating someone less favorably because they have been submitted to, or refused to submit to, unwanted conduct of a sexual nature or in relation to gender reassignment or sex.

Sexual harassment may be committed by a fellow worker, an agent of an organisation or a third party. It does not need to occur in person. It can occur via digital means, including social media sites or channels. Someone may be sexually harassed even if they were not the target of the behaviour. Examples of sexual harassment include, but are not limited to:

- Sexual comments or jokes which may be referred to as banter.
- Displaying sexually graphic pictures, posters or photos.
- Suggestive looks, staring or leering.

- Propositions and sexual advances.
- Making promises in return for sexual favours.
- Sexual gestures.
- Intrusive questions about a person's life or sex life, or a person discussing their own sex life.
- Sexual posts or contact in online communications, including on social media.
- Spreading sexual rumor's about a person.
- Sending sexually explicit emails, text messages or messages via other social media.
- Unwelcome touching, hugging, massaging or kissing.

Victimisation is subjecting someone to detriment because they have done, or are suspected of doing, or intend to do an act which is protected under discrimination and harassment laws. These are outlined below. It is not necessary for the person to have done the protected act in order for detrimental treatment to be considered as victimisation.

The protected acts are:

- Making a claim or complaint under the Equality Act (e.g. for discrimination or harassment).
- Helping someone else to make a claim by giving evidence or information in connection with the proceedings under the Equality Act.
- Making an allegation that someone has breached the Equality Act.
- Doing anything else in connection with the Equality Act.

Examples of victimisation may include:

- Failing to consider someone for promotion because they previously made a sexual harassment complaint.
- Dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint.
- Excluding someone from work meetings or social events because they gave evidence as a witness to another employee as part of an employment tribunal claim about harassment.

Circumstances which are covered.

- A work situation.
- A situation occurring outside the normal workplace or normal working hours which is related to work e.g a training course, a work related meeting or social functions.
- Outside of a work situation but involving a colleague or other person connected to the organisation. Including on social media or via social messaging.
- Against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

Procedure for Individuals Subject to Sexual Harassment or Victimisation

Where possible complaints of sexual harassment or victimisation should be raised via the grievance policy. However, it is recognised that complaints of sexual harassment or victimisation can be of a sensitive or intimate nature and that it may not be appropriate for a colleague to raise the issue through the normal grievance policy. In these circumstances, colleagues are encouraged to raise such issues with a senior colleague of their choice whether or not that person has a direct supervisory responsibility for the colleague as a confidential support. This person cannot be the same person who would be responsible for investigating the matter if it becomes a formal complaint.

If a colleague experiences sexual harassment and they feel comfortable to do so, they should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If they feel unable to do this verbally, they should hand a written request to the harasser and the colleague's confidential support can assist with this.

Instances of sexual harassment should be recorded on the Incident form detailed in Appendix 1.

Formal Complaint

When the informal approach fails, or if the sexual harassment or victimisation gets more serious, the colleague should submit a formal written grievance against the harasser. The confidential support can assist the colleague with this if required.

Alternatively, instances can be reported by emailing hr@primitas.co.uk.

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

- The name of the alleged harasser.
- The nature of the alleged harassment.
- The dates and times when the alleged harassment occurred.
- The names of any witnesses, any action already taken by the colleague to stop the alleged harassment.

On receipt of a formal grievance, actions may be taken to separate the colleague raising the grievance from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved. During any investigation, support will be offered to both parties.

The person hearing the formal grievance, the deciding manager, will arrange a meeting to discuss the complaint within 10 working days of the receipt of the written grievance and the procedure detailed in the Grievance Policy will be followed.

The conclusions of the Deciding Manager and the outcome of the findings, will be sent to the colleague in writing along with details of the appeal procedure, as detailed in the Grievance Policy.

Regardless of the outcome of the grievance, ongoing support will be provided to colleagues. This may involve mediation between the parties or some other measure in order to manage the ongoing working relationship. Colleagues will not be victimised for having brought a complaint.

Incidents involving the Headteacher should be reported to the Academy Chair of Governors, contact details are available on the Academy Website.

Procedure to follow should a colleague witness sexual harassment or victimisation

Colleagues who witness sexual harassment or victimisation, are encouraged to take appropriate action to address it. They should not take any action that may put themselves at risk of sexual harassment or harm. If they feel able, they should intervene to prevent the matter continuing. If they are not able to do this, action may include offering support to the person who has been sexually harassed and encouraging them to report the incident or report the incident themselves.

If reporting as a witness of an incident within an Academy this matter should be reported to the attention of the Headteacher in writing. Alternatively, colleagues can report instances of sexual harassment by emailing hr@primitas.co.uk. Reports regarding an incident involving the Headteacher should be made to the Academy Chair of Governors, contact details are available on the Academy website.

The person subject to sexual harassment, will be supported and spoken to in a sensitive way in order to determine how they want the matter to be handled.

Third-Party Sexual Harassment

Third party sexual harassment occurs when a member of the workforce is subjected to sexual harassment by someone who is not part of the workforce but who is encountered in connection with work. This includes; parents and carers, pupils, suppliers, visitors, friends and family of colleagues, Trustees, Governors, contractors.

Third party sexual harassment of our workforce is unlawful and will not be tolerated. The law requires employers to take reasonable steps to prevent sexual harassment by third parties, and we are committed to doing so.

The law does not provide a mechanism for individuals to bring a claim against third party harassment alone. However, it is recognised that failure for an employer to take reasonable steps to prevent third party harassment may result in legal liability in other types of claim.

In order to prevent third party sexual harassment from occurring, we will be clear in our communications with parents and carers, pupils, suppliers, Trustees, Governors, and contractors that sexual harassment will not be tolerated. This may be via signage, letters, home/school agreements, content of PSHE lessons, contracts, policies and protocols.

If a colleague has been subjected to third party sexual harassment, they are encouraged to report this as soon as possible.

In instances of third party sexual harassment toward a colleague the Trust will take appropriate action, this may include:

- Warn the third party about their behaviour.
- Ban them from Academy premises.
- Share information relating to the incident with other Academies within the Trust.

Any criminal acts will be reported to the police.

Primitas Learning Partnership 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.

Disciplinary Action

If the decision is that the allegation of sexual harassment or victimisation is well founded the harasser/victimiser will be liable to disciplinary action in accordance with the Trust's Disciplinary Policy, up to and including summary dismissal. An employee who receives a formal warning or who is dismissed for sexual harassment/victimisation may appeal as detailed in the Disciplinary Policy.

When deciding on the level of disciplinary sanction to be applied, Primitas Learning Partnership will take into consideration any aggravating factors affecting the case. One example of aggravating factor is an abuse of power over a more junior colleague.

If, due to the investigation, it is concluded that a sexual harassment complaint is both untrue and it has been brought with malicious intent, disciplinary action will be taken against the colleague raising the complaint.

Training

Primitas Learning Partnership will provide training to all our staff on sexual harassment to ensure there is a clear understanding of:

- What sexual harassment is,

- How it may occur, and that it will not be tolerated.
- Expected levels of behaviour.
- How colleagues can report any incidents of having been sexually harassed or having witnessed it.
- How acts of harassment will be dealt with under the disciplinary procedure, which can potentially result in dismissal.

We ensure that all levels of management are trained on implementing this policy, including preventing and managing sexual harassment in the workplace and the procedure to follow if an allegation is reported. Primitas Learning Partnership will regularly review the effectiveness of the training and provide refresher training as appropriate.

Employee Support

Support will be provided to any colleague who raises a sexual harassment complaint.

Appendix 1

Sexual Harassment Incident Form

Name of the individual Harassed	
Name of the Alleged Harasser	
Role of Alleged Harasser	
Date of Incident	
Time of Incident	
Location of incident	
Nature and description of the incident	
Names of any Witnesses	
Any actions already taken to stop the alleged harassment	
Confidential Support for the Individual harassed (Name & Role)	Name: Role:
Incident to be dealt with informally or formally and reasons why	
Incident to be investigated by	
Interventions in place during investigation	

Investigation Outcome	
Additional recommendations further to findings	
Procedural learning and review undertaken	Any policy, training, guidance notes updates required?
Signed by:	
Date :	

Please liaise with your HR Manager during all cases of sexual harassment. Return the completed form to hr@primitas.co.uk