



SEXUAL HARASSMENT POLICY

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Introduction

St Nicholas' School believes that sexual harassment is unacceptable, undermines the dignity of an individual, is morally wrong, unlawful and has a detrimental impact on individuals, on the workplace and for the organisation. Sexual harassment is unethical, unprofessional and undermines St Nicholas' School's organisational values and aims. For these reasons, St Nicholas' School takes a zero-tolerance approach to sexual harassment.

St Nicholas' School is committed to promoting an environment free from all forms of sexual harassment and recognise that it is responsible for protecting all workers from sexual harassment.

St Nicholas' School believes that sexual harassment is not inevitable and can be prevented through practical action to protect workers against harassment and transform workplace cultures, and therefore agrees that appropriate steps should be taken to achieve this as set out in this policy.

St Nicholas' School recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee.

Any instances of sexual harassment, including those carried out by clients, customers, casual workers, contractors or visitors, as well as employees will be dealt with in accordance with this internal policy.

This policy covers full-time and part-time workers, night staff and those working atypical hours, consultants as well as freelance, temporary or agency contract workers. Sexual harassment can occur in a work situation, during any situation related to work such as at a social event, outside of the workplace such as a site visit or visiting a client's home or place of work, and on social media or any online communication such as emails, video conference calls, phone calls or instant messaging platforms.

1. What is sexual harassment?

Sexual harassment is unlawful. It is defined in the Equality Act 2010 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 whether the perpetrator intended this or not.

In Northern Ireland, the relevant legislation is the [Sex Discrimination \(Northern Ireland\) Order 1976 As Amended](#). Together, these are referred to in this policy as 'equality law'.

Sexual harassment can still be unlawful even if a person may not have intended their conduct to be offensive.

Unwanted conduct of a sexual nature covers a range of behaviours and can include:

- sexual comments or jokes
- the display or circulation of pornography
- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances
- requests or demands for sexual favours
- sexual gestures
- intrusive questions about a person's private or sex life or a person discussing their own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails or text messages, and
- sexual assault including unwelcome touching, hugging, massaging or kissing.

The conduct does not need to be sexually motivated, only sexual in nature.

It is not necessary for someone to object first before conduct can be described as unwanted.

The conduct does not need to be a 'pattern of behaviour' under employment case law (although there is separate criminal legislation, the Protection from Harassment Act 1997 which does require a "course of conduct"). A series of incidents which taken separately may seem trivial, can together constitute sexual harassment. Equally, one isolated incident can be sexual harassment.

For example;

A woman attends a job interview, and the interviewer tells her that he is happy to see she has increased her chances of getting the job by showing off her attractive legs. This violates her dignity and creates an offensive environment for her, constituting sexual harassment.

The conduct does not have to be specifically targeted at an individual to amount to sexual harassment.

Sexual harassment is not always obvious, repeated or continuous, it can be a one-off incident.

For example,

An LGBT worker may work in an office where people display pornography or make sexual comments about LGBT people. This causes an intimidating or hostile working environment for the LGBT worker even though no one has made comments about the worker directly or behaved in a sexual way towards them.

Conduct that is directed at one person may constitute sexual harassment of another person because of the environment it creates.

Some forms of sexual harassment are also criminal offences, for example behaviour that would be called exposure, sexual assault or rape. They are still disciplinary offences as well and are dealt with under this policy whether or not someone also reports them to police.

It is also unlawful to treat a worker worse because of sexual harassment that happened to them.

For example,

A supervisor stops a woman in his team from being promoted, because she had told the supervisor's best friend to stop asking her out and that she wasn't interested in a relationship.

Victimisation is also unlawful under the Equality Act 2010. It is defined as treating a worker badly because they have reported sexual harassment at work, it is believed they will report a case of sexual harassment in the future, or they have helped someone else to report a case of sexual harassment. Treating a worker badly can include, but is not limited to:

- dismissing a worker
- denying a worker a promotion or development opportunity
- denying a worker shift hours or blacklisting a contractor.
- excluding a worker from tasks, projects, meetings or day to day work
- telling other companies to not hire someone due to their reporting of sexual harassment.

There is no time limit on when a worker can experience victimisation, providing that the worker is subject to bad treatment as a result of the case involving sexual harassment and not some other reason.

For example,

A line manager hears a rumour that one of his team may raise a formal grievance of sexual harassment against a colleague who frequently touches her without permission. As the worker is employed on a temporary contract, the manager does not renew the contract to avoid dealing with the grievance. The worker, in fact, had no intention of raising a grievance. Nevertheless, the manager has subjected her to a detriment because he believed that she would, and as such her dismissal is an act of victimisation.

In the context of these definitions, St Nicholas' School recognises that:

- Anyone can experience sexual harassment and an individual can experience sexual harassment from someone of the same sex or a different sex.
- Sexism at work often goes hand in hand with sexual harassment. Where there has been harassment related to sex, but the harassment is not sexual in nature, action should be taken under the Bullying and Harassment policy and the relevant disciplinary/grievance procedures which also cover harassment

related to other [protected characteristics](#). This policy concerns itself only with behaviour that constitutes sexual harassment, that is behaviour that is 'sexual in nature'.

For example:

A manager deliberately allocates specific low-status tasks to the two female members of his staff team, even though they have the same job description as the men in the team. This is harassment related to the protected characteristic of sex under the Equality Act 2010. It would be covered by the bullying and harassment policy and procedures, not the sexual harassment policy.

Sexual harassment can *at the same time* be harassment related to a [protected characteristic](#) in which case it is covered under this policy. Some forms of sexual harassment are specifically related to a person's combination of characteristics, such as many experiences of racialised sexual harassment directed at Black and Minority Ethnic (BME) women workers.

For example:

A worker who identifies as a trans woman is asked frequent and inappropriate questions about her sex life and sexual acts in the context of her gender reassignment surgery by her colleagues. This is sexual harassment as they are asking intrusive questions about a person's sex life and it is also harassment related to the protected characteristic of gender reassignment under the Equality Act 2010.

This policy focuses explicitly on sexual harassment and victimisation. An individual can be sexually harassed and also experience unlawful harassment related to one or more of the protected characteristics in the Equality Act 2010, which are:

- Sex: both men and women are protected under the Act.
- Race: for the purposes of the Act 'race' includes colour, nationality and ethnic or national origins.
- Disability: under the Act a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities.
- Sexual orientation: the Act protects bisexual, gay, heterosexual and lesbian people.
- Age: the Act protects people of all ages.
- Religion or belief: the Act covers all religion and also includes lack of religion. Belief means any religious or philosophical belief or a lack of such belief.
- Gender reassignment: the Act provides protection for trans people. The legal protection in the Equality Act covers anyone who "intends to undergo, is undergoing or has undergone gender reassignment", including people preparing for medical treatment. It is important to remember that gender reassignment means "a personal process" of moving away from one's sex at birth to the preferred gender. It is not to do with undergoing a surgical process, which many trans people choose not to undertake, nor does it require a person to have received medical treatment, including hormone treatment.
- Marriage and civil partnership: the Act protects employees who are married or in civil partnership. Single people are not protected.
- Pregnancy and maternity: the Act protects a woman on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled.

These forms of unlawful harassment and victimisation are dealt with further in the staff handbook and other policies including Equal Opportunities.

Sexual harassment and victimisation can happen in a work situation, during any situation related to work such as at a social event or site visit, and on social media or any online communication.

For example:

A male worker alters a pornographic image by pasting an image of his male colleague's face on to it. He then sends it to their other colleagues on their personal email addresses, causing them to ridicule him. This still constitutes sexual harassment even though the emails were sent on personal email addresses.

Sexual harassment and victimisation can be perpetrated by other workers and third parties. Third party harassment can result in legal liability for an employer. Third party means someone who a worker interacts with as part of their job but who is not employed by the same employer as them, for example a customer or a patient. St Nicholas' School does not tolerate sexual harassment by a third party, encourages workers who experience it to report it and takes responsibility for protecting workers from sexual harassment and victimisation perpetrated by third parties.

Sexual harassment is a manifestation of power relationships including imbalances based on gender in the workplace and in everyday life. While women are most often the targets and men are most often the perpetrators, this is not always the case. Sexual harassment often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee. These power imbalances will be taken into account when deciding what disciplinary action is taken.

The act does not have to be directed at someone for them to experience sexual harassment.

Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted.

For example

A female worker has a brief sexual relationship with her supervisor. The worker tells her supervisor that she thinks it was a mistake and doesn't want the relationship to continue. The next day, at a work-related social event, the supervisor grabs the worker's bottom, saying 'Come on, stop playing hard to get'. Although the original sexual relationship was consensual, the supervisor's conduct after the relationship ended is unwanted conduct of a sexual nature and is sexual harassment.

2. How can sexual harassment be prevented?

Under the Equality Act 2010 employers are liable for harassment or victimisation committed by its workers unless they can show that they took all reasonable steps to prevent such behaviour.

St Nicholas' School recognises that whilst there is no prescribed minimum on what an employer can do to prevent sexual harassment at work, there are multiple measures that can help prevent all types of sexual harassment, including but not limited to:

- Training for all workers, including those at board level, on prevention, culture and reporting procedures in relation to sexual harassment. All members of staff should know what to do if they experience sexual harassment and how to handle complaints of harassment, including formal and informal reporting routes and how to intervene if they experience or witness sexual harassment. Training will be tailored to the workplace environment and audience, intersectional, from a trauma-informed perspective and repeated at interim periods.
- All line managers will be trained in implementing this policy and how to respond sensitively to any reports of sexual harassment. This competency will be reviewed as part of the annual performance review.

Good management practice including inclusive, competent people management.

- Annual anonymous climate surveys to find out about experiences of sexual harassment, explore workplace culture and environment, identify worker needs, gaps in response and how to address them.
- Undertaking risk assessments for sexual harassment as with any health and safety issue. Assessments identify the risks and the control measures necessary to minimise them. Factors may include, for example, power imbalances, job insecurity, lone working, the presence of alcohol, public-facing roles, lack of diversity in the workforce and workers being placed on secondment or at events.
- Ensuring workers have access to appropriate resources and a safe confidential space for discussions, this should be both physical and digital, dependant on whether workers are based on-site or work remotely.
- Ensuring a zero-tolerance attitude to sexual harassment is clearly communicated to all workers and any third parties, in internal as well as external facing communications for example:
 - Amongst staff
 - in all worker inductions and employment contracts.
 - through regular mandatory anti-sexual harassment training for all workers.
 - communicating what steps will be taken to remedy a report of sexual harassment and prevent it happening again. For example, warning a colleague about their behaviour, banning a worker from attending events, reporting any criminal acts to the police, or sharing information with other branches of the business. These steps will be communicated in internal and external facing communications.
 - Sexual harassment may be mentioned in references for dismissed or voluntarily severed workers, who have been subject to complaint and left before resolution or who have been found to have engaged in sexual harassment. St Nicholas' School considers it a proportionate measure of legitimate interest under GDPR to retain information about formal and informal complaints of sexual harassment and to communicate the findings where a report of sexual harassment has been upheld or where a worker left while an investigation was in process. Personal data in reports aimed at reducing bullying and harassment in places of work and study are of legitimate interest under GDPR. For special

category data, this can be justified under “reasons of substantial public interest” which includes “equality of treatment, “preventing and detecting unlawful acts” and “safeguarding”.

Amongst third parties

- Making third parties aware of the school’s sexual harassment policy any time they interact with school staff. This can include a recorded message at the beginning of a telephone call, in email communications, at the start of online events and meetings, or in-person conferences.

The information provided to third parties will make clear St Nicholas’ School does not tolerate sexual harassment and will set out the actions the school will take if a third party sexually harasses a worker including ejecting or banning a third party from events, meetings or contacting workers, reporting criminal acts to the police, or sharing information with other branches of the organisation

3. Roles and responsibilities

Duties of employers

Employers have a legal duty to provide a safe working environment and ensure swift and effective action in recording and responding to a report of sexual harassment. Failure to do so can result in legal liability for any sexual harassment that occurs.

Ensure workers have access to confidential support and advice services during work hours and outside of them. This includes ensuring there are designated members of staff responsible for receiving reports of sexual harassment. This person could be another supervisor, a member of the human resources department, a different line manager.

Establish effective recording and reporting mechanisms, there should be formal and informal reporting routes.

Ensure those who are approached with a report of sexual harassment know how to respond and record information. When a designated person receives a report of sexual harassment, they will:

- immediately record the dates, times and facts of the incident(s)
- ascertain the views of the victim as to what outcome they want
- ensure that the victim understands the company’s procedures for dealing with the complaint
- discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if they are not satisfied with the outcome
- keep a confidential record of all discussions
- respect the choice of the victim
- ensure that the victim knows that they can lodge the complaint outside of the company through the relevant country/legal framework

Throughout the complaints procedure, a victim is entitled to be supported by a member of staff who has received enhanced training in responding to sexual harassment. St Nicholas’ School will offer specialist training

to staff who wish to volunteer to assist victims of sexual harassment. St Nicholas' School recognises that because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. The school understands the need to support victims in making complaints.

Duties of managers and supervisors

All managers and supervisors have responsibility for:

- creating an inclusive culture and environment so that any incidences of sexual harassment and/or victimisation are robustly challenged and tackled;
- treating informal and formal complaints seriously, with sensitivity to the feelings, perceptions and need for confidentiality of the individual raising the report;
- treating their workers fairly and taking prompt action where they are aware of unacceptable behaviour; and
- ensuring that staff who report sexual harassment, or support others to do so, are not treated less favourably than others because of this (victimisation)
- assessing and managing risk arising from disclosures, reports and disciplinary processes
- deal swiftly and explicitly with third party perpetrators with the view to banning individuals from premises, withdrawing membership or ending contracts
- ensuring this policy is followed through at all times
- ensuring that they and their team participate in regular sexual harassment training
- being an exemplar of acceptable behaviour and being aware that they are in positions of power as well as leadership.

Duties of individuals

All workers have a clear role to play in creating a work environment in which sexual harassment is not acceptable. All workers should:

- ensure they understand this policy and act in accordance with it, particularly if they are an alleged perpetrator of unacceptable behaviour;
- fully cooperate with any investigation and take seriously requests to cease or amend behaviour;
- not participate in, encourage or condone sexual harassment or victimisation of others;
- promote an inclusive culture in which colleagues or peers are not subjected to sexual harassment or victimisation by challenging and/or reporting these forms of behaviour to the appropriate staff member;
- treat all workers and those they encounter through work with dignity and respect
- think about their own behaviour and whether it might amount to sexual harassment and change their behaviour.

4. Procedure for receiving and responding to complaints of sexual harassment

St Nicholas' School commits to dealing with cases of sexual harassment promptly, efficiently and sensitively when they become aware of them. You do not have to be the recipient or target of sexual harassment to make a report about it. If you see it happening or become aware of a problem, you have the right to challenge it and to make a report to a line manager.

This policy includes an informal as well as formal process for dealing with reports of sexual harassment.

Where climate surveys have identified certain departments or areas of work where sexual harassment is present, St Nicholas' School may introduce targeted learning and development or other interventions as deemed necessary.

The word "reporter" is used to describe a person who has decided to share their experience of sexual harassment, whether informally or formally in the form of a complaint. At St Nicholas' School we do not refer to people who make reports of sexual harassment as "complainers" or "complainants" because we welcome their reports and we reject the all too common characterisation of reporters as "trouble-makers". When people decide to report sexual harassment they normally do so out of a sense of wanting to make the workplace better for themselves and for others.

The phrase "alleged harasser" is used to describe any person who the reporter is saying was responsible for the harassment. The alleged harasser cannot be described as a "harasser" until after there has been a formal disciplinary decision. Using the word "alleged" does not imply that the reporter has made up an accusation. The school recognises that false allegations of sexual harassment are rare, that victim-blaming is common and that victims are often worried they will not be believed because of biases and myths in our society, or that they will be punished if an investigation does not conclude there was sufficient evidence to make a finding. The school will always assume that reports have been made in good faith unless there is evidence to the contrary. Any investigation will always examine the evidence from the case.

Informal process

If a reporter feels confident and able to do so, they can raise their experience directly with the harasser. The reporter can explain directly to the harasser why their behaviour was unacceptable, how their behaviour made them feel and that they would like them to stop it.

St Nicholas' School recognises that sexual harassment may occur in unequal relationships (i.e. between a line manager and their employee) and that it may not be possible for the victim to inform the alleged harasser. If the reporter feels unable to approach the harasser, they can ask a member of the SMT to support them. They may also involve a third party such as a union representative.

The third party will take one or more of the following actions:

- listen to reporter
- provide the reporter with advice on how to approach the issue directly with the alleged harasser
- accompany them when speaking to the alleged harasser
- help the reporter set out their thoughts in writing
- raise the matter informally with the alleged harasser on the reporter's behalf
- help to obtain advice on how best to resolve the issue and/or assistance in doing so from other sources either internally such as from human resources or external advice
- help to obtain advice on or assistance in dealing with issues relating to particular protected characteristics. For example, from a charity with expertise relating to a particular disability
- help to obtain counselling or support for the reporter

assure the reporter that they do not have to raise a formal complaint, unless they want to, and they will be led by their choices.

- In some, limited circumstances mediation could be considered. This should only be arranged at the request of the reporter. Mediation can normally only be suitable where there is an admission of wrongdoing on the part of the alleged harasser whether or not they intended harm. It is not suitable where serious or systematic harassment or violence is being alleged, nor where there is an imbalance of power or where reporters fear reprisals or for their safety. It should be convened by an external mediator trained on sexual harassment, between the complainant and alleged harasser. Both parties must enter into mediation voluntarily.

If the reporter feels able to, they can also approach the line manager of the alleged harasser. This is something a third party can also support individuals with.

If you have experienced sexual harassment it is also advised you tell a friend or someone you trust so you are not trying to cope with it alone and keep a diary of incidences. This will give a helpful record of the nature of the sexual harassment and when it occurred. It will be important if you choose to report the sexual harassment to establish a pattern over a period of time.

Formal process

If a reporter does not wish to pursue an informal route, the informal route has been tried and not worked, it is felt the alleged harasser will not respond to an informal process or the case is too serious for an informal process to be appropriate, a formal process is also available and stipulated here.

A reporter or reporters who wish to make a formal complaint can ask a representative from their trade union, line manager or any manager who has received management training in responding to reports of sexual harassment, to help with this formal disciplinary and grievance process. It is advised to approach a third party who is more senior than the alleged harasser, if they feel comfortable doing this.

It is not the role of the third party to try to encourage, or discourage, a person from making a formal complaint. To do so could in itself constitute a disciplinary offence. Instead, that person should listen to the reporter and help them through the process.

A formal complaint can be made to anyone in the management team

The designated person who initially received the complaint will refer the matter to the Head to instigate a formal investigation. The Head may deal with the matter themselves, refer the matter to an internal or external investigator or refer it to a committee of three others in accordance with this policy

The person carrying out the investigation will:

- interview the victim and the alleged harasser separately
- interview other relevant third parties separately
- decide whether or not the incident(s) of sexual harassment took place
- produce a report detailing the investigations, findings and any recommendations
- if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements for the harasser, a promotion if the

victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)

- follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome
- if it cannot determine that the harassment took place, they may still make recommendations to ensure proper functioning of the workplace
- keep a record of all actions taken
- ensure that all records concerning the matter are kept confidential
- ensure that the process is done as quickly as possible and in any event within 28 days of the complaint being made
- all complaints will be investigated in a confidential manner at all times. Breaches of confidentiality by those investigating a complaint could lead to disciplinary action being taken against those responsible. Reporters are within their right to talk to a trusted colleague, rep, friend or family member as set out in above.

The investigation procedure will be sensitive to sexual harassment as an issue, engaging independent investigators who are trained in understanding the dynamics of sexual violence and harassment, to conduct the investigation. Sexual harassment investigations will not be conducted by people without specialist training.

The reporter may prefer to talk to an investigator of the same sex in some sensitive cases and this preference should be respected.

No other parties should interfere improperly with this process for managing reports of sexual harassment at any stage.

There is no time limit from the date of the incident within which complaints must be made. Clear timeframes will be set and communicated to the reporter for each stage of the formal process.

Every act of sexual harassment – whether it might be characterised as “banter” or otherwise trivialised – contributes to a culture that supports and encourages the full range of sexually harassing behaviours. The most major and serious instances of sexual harassment are more likely to occur when perpetrators observe a generally accepting climate for sexism and micro-aggressions that go unreported or attract no sanctions.

After investigating the report, management may decide to take disciplinary action against the alleged harasser. Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions

Employee
<ul style="list-style-type: none">• written warning• final written warning• adverse performance evaluation• reduction in wages• transfer• temporary or permanent exclusion from certain events, locations and activities

- behaviour agreement
- apology to those affected
- compulsory training
- demotion
- suspension
- dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

St Nicholas' School recognises that it is the right of reporters to be informed of the outcomes and sanctions in disciplinary cases where they were the victim.

The line manager of the harasser and the reporter as relevant will ensure that the recommended disciplinary and or remedial action is carried out. Any failure by a line manager to ensure that this is completed in a timely manner is in itself likely to constitute misconduct.

A complainant can ask a third party, stipulated above, to help with the formal process. It is advised reporters approach a third party who is more senior than the harasser if you feel comfortable doing this.

Wherever possible, St Nicholas' School will try to ensure the reporter and the alleged harasser are not required to work together while the report is under investigation. Any perception that a reporter is being punished, or victimised, by being moved or otherwise inconvenienced during the investigation, should be guarded against. In a serious case, the person against whom the report has been made may be suspended while investigation and any subsequent disciplinary procedure are undertaken. Such suspension will be for as short a time as possible and will be on full pay.

If a harasser is going to continue or return to a working relationship with the reporter or victim, their line managers or other managers as appropriate are responsible for taking steps to improve working relationships and supporting their employees whatever the outcome.

Both the reporter and the alleged harasser have a statutory right to be accompanied to a formal grievance hearing by a colleague or trade union representative. They also have the right to be accompanied by a colleague or trade union representative to any meeting relating to the complaint.

There could, very rarely, be circumstances where certain information may need to be shared with other people (such as police or another employer) because of a duty of care or safeguarding responsibilities, as a result of concerns identified whether in an informal or formal process. In these cases, permission will be sought and, if not granted, the risk of potential harm to the reporter and any others will be carefully considered. The wishes of reporting parties are respected and prioritised as a key principle and only minimal information would be shared if absolutely necessary, after careful discussion.

A finding that an employee has been sexually harassed by a third party (someone who is not an employee) may lead to the school taking action to reduce or eliminate the harasser's opportunity to interact with the victim and or other employees or workers, such as by banning them from activities or premises and enforcing the ban. This action would include a formal notification being made to that person and kept on record. It may be necessary and or proportionate (a legitimate purpose / substantial public interest) to inform the harasser's own employer of the outcome of the investigation, to assist them with their own duty of care to others. It may be necessary or proportionate to review any contractual relationship with the harasser's employer.

Legal action

If an act of sexual harassment may also amount to a criminal offence St Nicholas' School should consider raising the possibility of reporting the matter to the police with the complainant and provide them with the support to do so. Wherever possible, St Nicholas' School will follow the wishes of the reporter.

If formal or informal steps do not solve the problem, you might want to take a case to an employment tribunal. A claim to an employment tribunal usually must be made three months less one day from when the incident occurred. Employment tribunals can consider requests for extended time so you should not be deterred if you are outside of the time limit, particularly if the delay was due to internal investigation mechanisms. The employment tribunal will expect you to have tried to resolve the problem internally and any records you have kept will be considered as part of the hearing. Resignation might be the last resort but make sure you have tried all other ways to resolve the situation. If you resign and make a claim to the employment tribunal, you will need to ensure you have met any employment qualifying requirements. You should take advice about this.

Appeals

Employers will want to consider what their appeals policy will be as part of this model policy.

Both the reporter and the alleged harasser may appeal an outcome, on limited grounds:

- Whether the correct procedure was followed
- Whether there is substantial new evidence
- Whether the outcome was wrong or unfair

Employers should consider:

- Length of time permitted after notification of any outcome for an appeal to be made.
- How an appeal will be made and to whom.
- Any request for appeal must state who it is from, that it is a request for an appeal and the reason for the request.
- A specially trained investigator must be appointed to review the case and decide whether there are grounds for appeal.
- If there are grounds, then to make a decision undertaking any additional investigation only if that is necessary and communicating the findings and changes or additions to recommended sanctions and or remedies. The decision of the person hearing the appeal is final.

5. Support for staff who have experienced sexual harassment

St Nicholas' School commits to making sure that reasonable adjustments are made for the reporter, in terms of an individual risk and needs assessment that might include time off work for counselling or to take legal advice, for example.

If you have experienced sexual harassment at work, you can contact the following organisations for free and confidential support and advice:

- Your trade union, if relevant
- ACAS www.acas.org.uk
- Rights of Women free and confidential legal helpline for women who have experienced sexual harassment at work: 020 7490 0152
- Galop, the LGBT+ anti-violence charity, 0800 999 5428
- Citizens Advice Bureaux
- Equality and Human Rights Commission (EHRC)

6. Sharing this policy

St Nicholas' School will ensure that this policy is effectively communicated to all workers by:

- Publishing this policy in an easily accessible location, that can be accessed by all workers at all times without having to ask another member of staff for the policy
- Making reference to the policy in the contract of employment, or when an agency worker or self-employed contractor is engaged.
- Verbally communicating the policy during the worker induction process and where it can be found
- Sharing the policy with other organisations that supply workers and services to ensure they understand the expectation of them
- Ensuring any update to this policy is communicated to all workers.

St Nicholas' School commits to reviewing the policy on annual basis to monitor its effectiveness for example through:

- centralised records that record complaints in a level of detail that allows trends to be analysed
- climate surveys which ask all workers questions on an anonymised basis to obtain as accurate a picture of harassment that is happening in the workplace as possible
- feedback through conversations with workers on an open-door policy, exit interviews and 1-2-1s

Every effort has been made to ensure these policies are aligned. In all matters relating to sexual harassment, this sexual harassment policy, takes preference.

Explanatory note: It is important to check your other policies and ensure they are complimentary. In particular, please check your grievance policy and ensure it stands up to scrutiny from a gender-based violence and harassment lens. For example, that a decision will not be unilaterally made on making a report to the police and that in cases of sexual harassment, investigations will be conducted by someone trained to understand the dynamics of sexual violence and harassment.