



08 Staff, volunteers and students' policy

8.12 Sexual Harassment Policy

About this policy Acorn Pre-School & The Mighty Oaks is committed to providing a safe, inclusive, and supportive working environment free from sexual harassment, where everyone is treated, and treats others, with dignity and respect.

Acorn Pre-School & The Mighty Oaks has a zero-tolerance policy of sexual harassment. Sexual harassment is unlawful, and Acorn Pre-School & The Mighty Oaks will not tolerate sexual harassment in the workplace. All incidents of sexual harassment will be treated seriously and will be dealt with sensitively, promptly, and confidentially. Acorn Pre-School & The Mighty Oaks will take appropriate action against any person found to have sexually harassed another.

This policy covers sexual harassment which occurs in work and out of the workplace, such as work-related events, during work related travel or at social functions.

This policy applies to all employees, flexible workers, trustees, and volunteers, and covers harassment by staff and also by third parties such as agency workers, parents and other customers, suppliers, contractors, freelancers or visitors.

This policy does not form part of any employee's contract of employment, and it may be amended at any time.

Responsibility for this policy Acorn Pre-School & The Mighty Oaks Trustees have overall responsibility for the effective operation of this policy but has delegated day-to-day responsibility for overseeing its implementation to the Manager.

The Manager has a responsibility to follow and implement this policy. They must ensure all staff understand and follow the policy and take appropriate action if the policy is breached.

All staff are encouraged to report any instances of sexual harassment and to support colleagues who have encountered sexual harassment.

You can report a complaint to [details of job title and how to report].

What is sexual harassment? Sexual harassment occurs when a person is subjected to unwanted conduct of a sexual nature that has the purpose or effect of either violating their dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. It also happens if they are treated less favourably because they submitted to, or rejected, that unwanted conduct.

Even if such behaviour is not intended to cause offence or distress, if that is the effect of the conduct, then it could be considered as sexual harassment. Someone may be sexually harassed even if the conduct was not directed at them because of the environment it creates for them.

Examples of sexual harassment include, but are not limited to:

- sexual comments or jokes
- displaying sexually graphic pictures, posters or photographs
- suggestive looks, staring or leering
- propositions and sexual advances

- making promises in return 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
- unwelcome touching, hugging, massaging or kissing

Anyone can 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.

Third Party Harassment

Sexual harassment will not be tolerated by staff (which may include external staff on work placements) and third parties such as agency staff, consultants, contractors, parents and other customers, clients, suppliers and visitors.

Victimisation

Victimisation is when someone who reports harassment is treated badly by their employer or other employees. This could include, excluding them, denying them an opportunity, not promoting them or dismissing them. Acorn Pre-School & The Mighty Oaks takes victimisation as seriously as sexual harassment and will take appropriate action against anyone found to have engaged in it.

If you are being sexually harassed: Informal steps If you are being sexually harassed and you feel comfortable raising the issue informally with the person responsible, you could explain to them that their behaviour is unwelcome, how it has made you feel and that you want the conduct to stop. You should make a note of the time and place of the meeting and who was present so that there is a record, just in case there are further incidents. If there are further incidents, you should also keep a record of these should you wish to make a formal complaint under the procedure below.

If you do not feel comfortable taking this approach or would like confidential advice and support, you should speak to the Manager or member of the senior leadership team who can help you resolve the issue.

The Manager or member of the senior leadership team will:

- Keep a record of the discussions.
- Provide information about the relevant policies and procedures and the support available.
- Determine your views on what outcome you would want to achieve.
- Provide support and guidance on how to address the issue informally, which may include facilitating discussion between both parties to achieve an informal resolution.
- Discuss and agree next steps.
- Keep the matter under review and if the situation has not improved or is sufficiently serious, explain the options available to you.

If you are unclear whether an incident or series of incidents amounts to sexual harassment, please contact the Manager or member of the senior leadership team for informal confidential guidance.

If informal steps are not appropriate or have been unsuccessful, then you should follow the formal procedure set out below.

You can also report sexual harassment anonymously via our whistleblowing Policy. Although, the action we can take will be more limited.

Formal complaints

Reporting the complaint

If you want to make a formal complaint about sexual harassment, you should submit it in writing to your line manager or your line manager's manager if your complaint is against your line manager. If you feel unable to submit the complaint to either of these individuals, then send it to chair of trustees.

Your complaint should provide the full details of the incident(s), dates, times, witnesses and what happened. You should also include details of any actions taken under the informal element of the procedure if relevant.

Your complaint should set out full details of the conduct complained of, including the name of the harasser, the nature of the harassment, date(s) and time(s), witnesses and any other relevant information.

You do not have to be the recipient or target of sexual harassment or victimisation to submit a complaint. If you see it happening or become aware of a problem, you have the right to challenge it.

What happens next

The decision to proceed with a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if we consider it appropriate to do so.

Acorn Pre-School & The Mighty Oaks will investigate complaints promptly, sensitively, and confidentially. We will ensure that the person investigating the complaint is able to effectively do so.

The investigation will be carried out thoroughly, impartially and objectively and will be dealt with sensitively and with due respect for the rights of all parties concerned. We recognise there may be circumstances where an individual may feel more comfortable discussing their complaint with an investigating manager of a particular sex due to the sensitivities of the case. We will try to accommodate this where possible.

Usually within one week of receiving a formal complaint, a meeting will be arranged with you and the manager investigating your complaint or other appointed person. You have the right to be accompanied by a trade union representative or a work colleague only. Those accompanying you must abide by the confidentiality of the investigation.

As part of the investigation, you may be asked to provide the investigator with details of anyone else who you think they should talk to, such as any witnesses.

If your complaint is about a colleague, we will consider whether to suspend them on full pay or make other temporary changes to working arrangements pending the outcome of the investigation. This is to allow a full and objective investigation to take place without any undue influence. The alleged harasser will be instructed not to discuss the matter with anyone else unless they have been authorised to do so. The investigator will arrange a meeting with the alleged harasser to respond to the allegations against them. They may also be accompanied by a trade union representative or a work colleague.

If your complaint is about a third party such as a parent or other customer, supplier, or visitor, we will consider what action may be appropriate for your protection pending the outcome of the investigation. Where possible, we will discuss the matter with the third party. We will also consider any request that you make for changes to your own working arrangements during the investigation. For example, you may wish to avoid contact with the alleged harasser.

Where witnesses are interviewed, the importance of confidentiality will be emphasised to them.

You will be kept regularly informed of the progress of the investigation and supported throughout.

Outcome of investigation Once the investigation has concluded, the investigating manager will submit a report to the setting manager or trustee nominated to consider the complaint.

If the manager or nominated trustee considers that there is a case to answer, where the alleged harasser is an employee, the matter will be dealt with under our Disciplinary Procedure. The nature of any sanctions will depend on the seriousness and extent of the harassment. If the harasser is a third party such as a parent or other customer or other visitor, we will consider what action would be appropriate to address the issue and to protect you and fellow staff members.

Regardless of whether your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned and will provide support beyond the investigation and any disciplinary procedure.

Appeals If you are not satisfied with the outcome, you may appeal in writing to the Chair of Trustees, stating your full grounds of appeal, within seven days of the date the decision was provided to you.

We will hold an appeal meeting, usually within one week of receiving your written appeal. This will be dealt with impartially by a nominated trustee or person (normally a more senior manager), who has not previously been involved in the case. You may bring a trade union representative or a work colleague with you to the meeting.

We will confirm the final decision in writing, usually within 14 days of the appeal hearing. There is no further appeal route.

Protection and support Acorn Pre-School & The Mighty Oaks has a zero-tolerance policy of victimisation. Those who make a complaint of sexual harassment or who participate in good faith in any investigation must not suffer any form of victimisation or detriment as a result. Anyone found to have victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

If you believe you have been victimised, you should inform [name and role of person]. If the matter is not resolved, you should raise it formally either through this procedure or our Grievance Procedure.

The below organisations can also provide advice and support:

- ACAS – www.acas.org.uk
- Victim Support – www.victimsupport.org.uk
- Rights of Women – www.rightsofwomen.org.uk

Confidentiality Details of the investigation including the names of the people involved must only be disclosed on a need-to-know basis and subject to any legal, statutory or regulatory obligations and requirements. Breach of confidentiality may lead to disciplinary action under our Disciplinary Procedure.

Information recorded about the complaint, the people involved, the outcome and any other relevant documents or notes compiled will be processed in accordance with our Data Protection Policy.

Other relevant policies / procedures:

- Code of Conduct
- Disciplinary Procedure
- Grievance Procedure
- E-Safety policy
- Whistleblowing policy