



ANGLIAN LEARNING

*Dynamic, empowered learners who thrive and lead in
their communities: locally, nationally and globally*

SEXUAL HARASSMENT POLICY

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MEMBER OF STAFF WITH RESPONSIBILITY FOR REVIEW:	DIRECTOR OF PEOPLE
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1. Introduction

1.1 About this policy

This policy should be read in conjunction with the Trust's [Code of Conduct](#), [Disciplinary Policy and Procedure](#), [Whistleblowing Policy](#) and [Grievance Policy](#).

The purpose of this policy is to:

- Provide a clear and supportive framework to support staff in recognising and reporting instances of sexual harassment.
- To ensure that all allegations of sexual harassment are appropriately addressed.
- To ensure that everyone involved in allegations of sexual harassment are treated fairly, consistently and with respect.

This policy does not form part of any employee's contract of employment, and we may amend it at any time or depart from it where we consider appropriate. As a minimum, this policy will be reviewed on a three-yearly basis, or sooner in light of any legislative changes, by the HR Shared Services Team.

The Director of People has overall responsibility for the effective operation of this policy. The HR Shared Services Team has delegated responsibility for advising senior leaders and managers on its implementation.

Questions about the application of this policy should be raised with the HR Shared Services Team.

1.2 Who does this policy apply to?

This policy covers sexual harassment which occurs both in and out of the workplace, such as on school visits, at events, work-related social functions and on social networking sites. It covers sexual harassment by staff, governors and volunteers and also by third parties such as contractors or visitors/volunteers to our schools, including parents and pupils.

1.3 Key principles

Anglian Learning continues to be committed to fostering a workplace where all employees feel safe, respected, and valued. All employees of Anglian Learning have the right to be treated with dignity and respect and have the assurances that the Trust takes a zero-tolerance approach to any behaviour that falls short of this.

We take all allegations of sexual harassment seriously and address them promptly and confidentially where possible. All staff; governors and volunteers must comply with this policy and take appropriate measures to ensure that such conduct does not occur. Sexual harassment by a member of staff will be treated as misconduct under our Disciplinary Procedure. In some cases, it may amount to gross misconduct leading to summary dismissal (dismissal without notice).

All staff; governors and trustees must also complete the training on sexual harassment each year.

All contractors and visitors to any Trust site must read the [Trust's Sexual Harassment Statement](#).

1.4 Confidentiality and data protection

Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis.

Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

Where the Trust is required to share information with third parties, e.g. the Police, Local Authority Designated Officer (LADO), Teaching Regulation Agency (TRA) Disclosure and Barring Service (DBS), etc., the Trust will ensure that only those details that are strictly necessary are disclosed. Where there is a requirement to report to a third party, those involved will be informed prior to this where possible. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

2. Roles and responsibilities

2.1 Senior Leaders and Line Managers

- Must familiarise themselves with the Sexual Harassment Policy and liaise with the HR Shared Services Team if they have questions.
- Set and role model clear standards of expected behaviour in accordance with this policy, the Trust's Staff Code of Conduct and relevant professional standards.
- Ensure they have completed the National College certificate in Preventing Sexual Harassment in the Workplace for Leaders.
- Ensure new starters are aware of and have access to the Sexual Harassment Policy.
- To foster an environment that encourages staff to raise concerns in a timely manner without fear of judgement or suffering a detriment.
- Ensure any action taken under this policy is done in a fair, proportionate compassionate and timely manner.
- Bring to the HR Shared Services Team's attention any potential conflicts of interest in a timely manner.
- Seek advice from the HR Shared Services Team for general questions about applying the policy and the relevant HR Business Partner where formal action may need to be taken.
- Support, and in some cases lead, on the preparation and submission of documentation for submission to third parties, e.g. LADO referrals.

2.2 Staff

- Familiarise themselves with the Sexual Harassment policy and liaise with the HR Shared Services Team if they have questions.
- Complete the National College certificate in Preventing Sexual Harassment in the Workplace for staff.
- Familiarise themselves with the Code of Conduct and liaise with their line manager or School HR contact if they have any questions.
- All staff have a responsibility, in good faith and based on reasonable belief, to promptly raise concerns of sexual harassment in accordance with the Sexual Harassment policy.
- Seek advice from your line manager, senior leader e.g. Headteacher / Head of Shared Service, or the HR Shared Services Team if unclear on whether the concern meets the criteria for sexual harassment.
- To bring to the HR Shared Services Team's attention any potential conflicts of interest in a timely manner.
- To cooperate fully with informal and formal procedures.
- Remain in contact and readily available to attend meetings as required.

2.3 HR Shared Services

- Role model clear standards of expected behaviour in accordance with this policy, the Trust's Staff Code of Conduct and relevant professional standards.
- To provide specialist advice in relation to legislation, policy and HR best practice.
- To provide support and answer questions to all parties involved.
- Signpost to internal and external support services as required.
- Attend and provide support at formal meetings.
- Liaise with unions about specific cases as appropriate.
- Support, and in some cases, lead on the preparation and submission of documentation for submission to third parties, e.g. LADO referrals.
- Advise on note-taking best practice and where required, take notes at meetings.

3. Policy Overview

3.1 What is sexual harassment?

Sexual harassment is unwanted behaviour of a sexual nature. This can include verbal, non-verbal or physical conduct that violates someone's dignity and / or creates an intimidating, hostile, degrading, humiliating or offensive environment for someone. Sexual harassment makes the person, or persons, affected feel uncomfortable, threatened and / or offended. It can be sexual harassment if the behaviour has one of the effects above, whether it was intended or not. A single incident is enough to constitute sexual harassment.

Sexual harassment can happen to anyone regardless of their sex or the sex of the harasser and can be carried out by individuals of any gender identity or sexual orientation.

Sexual harassment may include a range of behaviours, a number of which are listed below. This list is not exhaustive.

- Making sexual remarks about someone's body, clothing or appearance.
- Asking questions or making comments about someone's sex life.
- Telling sexually offensive jokes.
- Making sexual comments or jokes about someone's sexual orientation or gender reassignment.
- Sexual gestures such as simulating sexual acts.
- Displaying or sharing pornographic or sexual images, or other sexual content
- Unwanted sexual attention, whether verbal or physical.
- Unwanted touching, such as putting a hand on someone's knee or hugging them.
- Stalking, including online stalking.
- Coercing someone into sexual relations through pressure, manipulation or threats, or offering rewards for sex.
- Sexual violence, including rape, or threatening to carry out sexual violence or unwanted sexual acts.

Whilst sexual harassment is usually directed at an individual, the Trust recognises that this is not always the case as there could be a culture of behaviour which is not specifically aimed at one person. For example, the telling of sexually offensive jokes.

Sexual harassment is often considered a disciplinary offence and, in some cases, may also be a criminal offence.

3.2 How can we all help prevent sexual harassment

All staff, governors, volunteers, contractors or visitors to our schools, including parents, at Anglian Learning have a shared responsibility to create an environment which is free of sexual harassment. We can do this by:

- Considering how your behaviour may impact others.
- Being open to feedback about how your behaviour has impacted other people.
- Treating members of the Anglian Learning community with dignity and respect.
- Being an active bystander and making it clear to others if you think their behaviour is unacceptable and intervening if it is possible to support others.
- Reporting sexual harassment to either your line manager, Principal/Headteacher or HR Shared Services Team.

3.3 How to report sexual harassment

Anglian Learning strongly encourages all members of staff to report instances of sexual harassment.

If you have either witnessed or been affected by sexual harassment, there are different routes for reporting this.

- To your direct line manager: All staff should be encouraged to report instances of sexual harassment to their line manager in the first instance. However, if this is not appropriate, then one of the other reporting routes should be followed.
- To the Principal / Headteacher / Head of Service
- To the HR Shared Services team: This would either be the HR Officer or HR Business Partner for your area.

[Appendix B](#) of this policy includes a reporting form which includes the information that would be helpful to know about any incidents of sexual harassment.

3.4 What to do if you witness sexual harassment?

If you have witnessed inappropriate behaviour and feel it is safe to do so, you can choose to be an active bystander. This can include asking someone to stop and being clear that their behaviour is not acceptable, divert or interrupt a conversation or asking another colleague for help. See [Appendix A](#) for more information.

You should also offer support to the individual who was affected by the behaviour you have witnessed.

3.5 Managing reports of sexual harassment

- 3.5.1 Any reports of sexual harassment will be managed in a timely way and in line with the appropriate Trust policies. When an initial report of sexual harassment is received, a Case Review Meeting will take place.
- 3.5.2 The Case Review Meeting will usually include the person the initial report was made to, the Principal / Headteacher / Head of Service (if different) and the HR lead. The group could also include experts in relevant areas, for example, the DSL. The meeting will focus on ensuring the right support is available to all involved and will also decide on the way forward.
- 3.5.3 The group will also make decisions on informing any external parties, such as the LADO.
- 3.5.4 If following the review meeting it is decided to formally investigate the concerns, this would be managed under the Trust's grievance procedure.
- 3.5.5 As a general principle, the decision whether to progress a complaint is up to the complainant. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.
- 3.5.6 Where the grievance procedure is invoked as a result of a complaint about sexual harassment, an investigating officer will be appointed and will look into the complaint in a timely, sensitive, impartial and confidential manner.
- 3.5.7 The manager (the Investigation Officer for these purposes) will arrange a meeting with you, usually within a week of receiving your complaint, so that you can give your account of events. There may be further meetings with you as appropriate throughout the investigation.

- 3.5.8 Where your complaint is about an employee, the Trust may consider suspending them on full pay or making other temporary changes to working arrangements (without affecting pay) pending the outcome of the investigation, if circumstances require. The investigating officer will also meet with the alleged harasser, who may also be accompanied by a work colleague or trade union representative of their choice, to hear their account of events. They have a right to be told the full details of the allegations against them, so that they can respond.
- 3.5.9 Where your complaint is about someone other than an employee, such as a contractor or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the school and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.
- 3.5.10 If your complaint involves a pupil the Safeguarding Policy will apply, and any incidents should be logged on MyConcern.
- 3.5.11 We will also seriously consider any request that you make for changes to your own working arrangements during the investigation.
- 3.5.12 It is likely to be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.
- 3.5.13 Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our disciplinary procedure.
- 3.5.14 The main purpose of the investigation is to establish whether the act(s) under investigation amounted to sexual harassment. The Investigation Report should include.
- the terms of reference of the report
 - the complainant's account of the incident(s) and the effects
 - a response from the person identified by the complainant.
 - evidence from staff in the same work area or any other relevant areas where incidents of sexual harassment may have occurred.
 - a conclusion as to whether or not there is a case to answer in respect of the allegations made and whether the matter should be referred to a disciplinary hearing. The report should identify whether it appears that the complainant has suffered any detriment, e.g. deterioration of work performance or health, lack of career development, denial of opportunities, etc.
- 3.5.15 At the end of the investigation, the investigating officer will submit a report to the Responsible Person. The senior manager will arrange a meeting with you in order to discuss the outcome and what action, if any, should be taken. A copy of the report and the senior manager's findings will be given to you and to the respondent.

3.5.16 The appointed senior manager will consider the investigation report and decide whether:

- they consider that sexual harassment has occurred, in which case the matter will be dealt with as a case of possible misconduct or gross misconduct under our disciplinary procedure.
- Less formal action is appropriate.
- Any short-term or long-term relocation or change in duties or reporting structure is required.

3.5.17 If you remain dissatisfied with the outcome, then the remaining stage(s) of the grievance procedure should be used.

3.6 Support for those involved.

Employees who make complaints or who participate in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result.

If you believe you have suffered any such treatment, you should inform your line manager or other senior manager. If the matter is not remedied, you should raise it formally using this procedure.

Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure will be subject to disciplinary action under our Disciplinary Procedure.

Anglian Learning recognises the difficulty it takes to raise these types of matters. There is a range of support available for anyone impacted by the type of behaviour outlined in this policy. This includes:

- The Anglian Learning HR [Shared Services team](#)
- The EAP service
- Occupational Health.
- Line manager and senior leaders across the Trust.
- Link to external support services.

3.7 Reporting concerns to external parties

Anglian Learning is obliged to report certain concerns to the appropriate external parties; this includes but is not limited to:

- Local Authority Designated Officer (LADO) where their behaviour indicates they may pose a risk of harm to a child.
- Police, where a criminal offence may have been committed.
- Teaching Regulation Agency (TRA) where there is cause for concern that may involve professional misconduct or a breach of the Teachers' Standards.
- Disclosure and Barring Service (DBS) where an individual has been removed from working in regulated activity with children or there is a belief that they pose a risk of harm to a child.

Appendix A: How to be an active bystander

By being an active bystander, you are choosing to challenge inappropriate behaviour if you feel safe and comfortable to do so. It has been proven that bystander intervention can play a key role in preventing or de-escalating what could become a serious situation.

You can do this in a number of ways, which include supporting the person who is the recipient of inappropriate behaviour, reporting the incident if you have personally witnessed it or by following the “4 D’s” of bystander intervention:

- **Direct Action:** By speaking directly to the person who is displaying the inappropriate behaviour. This can be in the moment and could be as simple as saying “that is not okay” or even using your body language such as shaking your head or not joining in with any laughter.
- **Distraction:** You can interrupt the situation without directly confronting the individuals. This could involve changing the subject of conversation or starting a separate conversation with the person who is being harassed.
- **Delegation:** Find someone else who may be more appropriate to help the situation. This could be a colleague or a member of the SLT.
- **Delay:** If you do not feel safe to intervene in the moment, you could check in with the person after the event to offer them support or simply just acknowledge that the behaviour was not ok.

Things to remember about being an active bystander:

- Before intervening, please remember that your personal safety is a priority and you should always assess the situation before stepping in to help.
- Offer support to those who have been on the receiving end of inappropriate behaviour, this can be in the moment or afterwards when there is opportunity to talk.
- If you are in an emergency situation, call the police on 999.

Appendix B: Reporting Form

Please note, you do not need to use this form to report an incident or concern, but you may find it helpful. Please send it to the Headteacher/Principal/Head of Shared Services/General Manager (Leisure) or a member of the Trust Executive Leadership team. If you are unsure of who to send this form to, please contact the [HR Shared Services](#) team.

Name	
School/Department	
Were you on the receiving end or a witness to the behaviour described below?	
When did the incident(s) happen?	
Were there any other witnesses? If so, please provide their names where possible.	
Where did the incident happen?	
The name of the person whose behaviour you are reporting.	
Please provide as much information as you can about the behaviour being reported.	