



Guidance

Duty to Protect From

Sexual Harassment

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For and on behalf of the Governing Body: 

This document has been produced for guidance purposes only. It is recommended as good practice for Schools/Governing bodies. The document will be reviewed in 3 years.

Document Control

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Document Revision History

Date	Version	Lead Reviser	Additional Revisers	Description

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1. INTRODUCTION AND PURPOSE

A new 'preventative duty' under the Equality Act 2010 came into effect from 26th October 2024. Under this duty schools must take reasonable steps to prevent sexual harassment in the workplace.

The preventative duty includes prevention of sexual harassment by third parties.

In order to comply with this duty, schools will need to anticipate when sexual harassment to employees may occur and take reasonable steps to prevent it. If sexual harassment does take place, schools should take action to stop it from happening again.

We are committed to providing an inclusive, supportive and safe environment for everyone who works here. This guidance is applicable to everyone who is working at the school, whether that be employees, consultants, contractors, supply workers and volunteers.

1.1 Purpose

- Educating all staff about sexual harassment in the workplace and their role in developing a culture free from harassment.
- Fostering a working environment that supports the dignity and respect of all and is free from any form of discrimination, bullying, harassment and violence.
- Where harassment does occur, providing a process and procedure for dealing with it to ensure it is properly managed.
- Capturing learning from what happened to help create an environment free from harassment.
- Monitoring our progress in achieving a workplace free from harassment.

Everyone has a part to play in being aware of, preventing and dealing with sexual harassment. The guidance sets out the expectations for the behaviour of our staff as well as what we can do to protect all staff from sexual harassment.

2. WHAT IS SEXUAL HARASSMENT

Sexual harassment is prohibited under the Equality Act 2010. It occurs when a person is subjected to unwanted conduct of a sexual nature which has the purpose or the effect of:

- violating the person's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Unwanted conduct that has one of these effects can be harassment even if the effect was not intended. A single one-off event or a series of incidents can amount to sexual harassment. A person can be affected by sexual harassment even if the conduct is not targeted at them.

It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour.

Anyone can be a victim of sexual harassment, regardless of their sex, sexual orientation or gender identity or that of the harasser. Sexual harassment may also occur between people of the same sex. We recognise that sexual harassment often arises as a form of violence against women and girls. Sexual harassment can also be a form of violence targeted at men and those with non-binary gender identities.

Under international law, sexual harassment constitutes a breach of a person's human rights.

Sexual harassment is often a manifestation of power relationships and frequently occurs within unequal relationships in the workplace, for example between manager or supervisor and a more junior colleague, or a longstanding employee and a new starter. It frequently arises as the result of sexism and power inequalities between women and men. In cases where sexual harassment is found to have occurred, such abuses of power will be considered in deciding what disciplinary action to take.

We also recognise that certain vulnerable or minority groups may be more at risk from sexual harassment. Where a person has more than one protected characteristic, this may increase the risk of them experiencing sexual harassment. This is because multiple categories of identity such as gender, race, sexuality, trans status, religion and disability can interact in ways that create complex systems of oppression and power which can result in harassment based on a combination of different aspects of a person's identity. We refer to this as intersectional harassment.

3. WHAT IS UNWANTED CONDUCT?

Unwanted conduct covers a wide range of behaviour which is unwanted or unwelcome.

Types of behaviours which constitute sexual harassment include, but are not limited to:

3.1 Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging.
- Fondling, or inappropriate touching.
- Physical violence, including sexual assault and rape.
- The use of job-related threats or rewards to solicit sexual favours.

3.2 Verbal conduct

- Banter.
- Mimicry.
- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories, jokes or pranks.
- Sexual advances.
- Repeated and unwanted social invitations for dates and/ or physical intimacy.
- Insults based on the sex of the worker.
- Condescending or paternalistic remarks.
- Sending/sharing sexually explicit messages/images (by any medium).
- Coercion.
- Gaslighting (a form of covert emotional abuse).

3.3 Non-verbal conduct

- Display of sexually explicit or suggestive material or imagery.
- Graffiti.
- Acts affecting a person's surroundings.
- Posts or contact on social media.
- Sexually suggestive gestures.
- Facial expressions and gestures.
- Whistling
- Leering.
- Predatory behaviour.

The effect of such behaviour and whether it is unwanted should be considered from the point of view of the person who feels harassed (the "recipient").

There may be other sexual behaviour, which though not unwanted, is still inappropriate in the workplace (including in a place that may legally count as work such as at a work event or walking home). For example, engaging in a consensual sexual act in the workplace. We do not permit sexual contact in the workplace and any such behaviour may still be addressed as a breach of the sexual harassment policy. We recognise that if this behaviour were allowed to take place, there is a risk of one party believing that the conduct is welcome and the other considering the conduct to be unwanted, either at the time or in hindsight. This can increase the risk of sexual harassment.

4. WHAT IF THE ALLEGED PERPETRATOR IS NOT A MEMBER OF STAFF

The sexual harassment of staff will not be tolerated, whether caused by those that work here or third parties including customers, parents, suppliers, clients, or visitors to our premises. Any instance of work related sexual harassment should be reported in line with this guidance document regardless of who the alleged perpetrator is. We act in accordance with the EHRC's Guidance on third party sexual harassment and employer's liability available here: [Sexual harassment and harassment at work: technical guidance | EHRC](#)

5. PREVENTING SEXUAL HARASSMENT

This section should be read in conjunction with the school's dignity at work policy, grievance policy and disciplinary policy.

As mentioned above, sexual harassment can be more prevalent in certain environments, including where there are disparities in power between different groups of staff. This is often linked to women and men working at different levels of seniority within organisations, and includes power disparities because of disability, sexual orientation, gender identity, race, and age. Women are the overwhelming majority of those who are sexually harassed at work.

High levels of workplace stress can be a contributory factor in creating a working environment in which sexual harassment is more likely to occur. Stress occurs where there is either excessive demand on staff and/or reduced resources. It can arise due to excessive working hours and limited recovery time, work uncertainty, high levels of staff absence/sickness and turnover that leave remaining workers to have to pick up additional tasks. In these contexts, workers' ability to self-regulate can be overwhelmed to create 'hot spots' of more pervasive workplace incivility, including raised levels of bullying, harassment, verbal and physical incivility and violence of which sexual harassment is an extreme outcome.

5.1 The Employers' Duty of Care

The law imposes a duty of care on employers to provide a safe system of work for all staff. This includes a specific obligation to protect the health, safety and welfare of their staff and others who might be affected. In discharging this legal duty, we recognise that there are certain measures that can help to prevent sexual harassment in the workplace including ensuring that adequate measures are in place to tackle sexism and address inequality between women and men, sexual harassment of disabled women in the workplace; people with non-binary identities, as well as other forms of discrimination including racism, ableism, homophobia, transphobia and ageism, and to prevent the conditions which cause and exacerbate high levels of stress.

We are committed to the adoption and operation of such measures, including:

- Improving the gender balance at all levels of the organisation:
- Improving diversity and inclusion at all levels of the organisation.
- Staff survey: Ascertaining how working conditions impact on all staff and identifying any areas of concern.
- Data monitoring: Staff data related to sickness absence rates and turnover will be carefully monitored in accordance with the Attendance Management Policy to identify patterns of behaviour as it is recognised that they can be linked to high stress levels and associated behaviours which may be indicative of sexual harassment.
- Good management practices: including anti-discrimination management practices, competent and respectful people management, awareness of the conditions that can allow sexual harassment to become prevalent and consistency in taking appropriate preventions and interventions (including prompt and unambiguous action to visibly demonstrate that concerns regarding sexual harassment will be taken seriously).
- Risk assessments: that include consideration of factors that can increase the risk of sexual harassment

- Continuous awareness-raising: about the nature and impacts of sexual harassment, common reactions to sexual harassment and the requirement of respectful behaviour for all staff to create a culture free from harassment and identify and address incidents when they occur.
- Awareness of this guidance document, a copy of which will be made available to all staff.
- Appropriate and targeted training on sexual harassment for all staff, including supervisors and managers at all levels. Training will include information on sexual harassment as a form of violence against women and a breach of human rights that is rooted in sexism and other inequalities, what constitutes harassment and its impact on individuals and the organisation, how to report sexual harassment, colleagues' role in reporting and prevention, and the related responsibilities of all staff.

6. ROLES AND RESPONSIBILITIES

6.1 Headteachers/line managers/supervisors

All those with line management responsibility must ensure that all employees within the school are aware of this guidance document and understand their own, and the school's responsibilities.

Managers and supervisors have a particular duty to ensure that, within their area of responsibility, everyone is treated with dignity and respect.

To discharge this duty, they must:

- Always challenge any unacceptable or questionable behaviour that they become aware of even if they are not directly affected.
- Be aware of behaviour and language that can cause offence including jokes and banter, and if necessary, remind workers of the expected standards.
- Respond to complaints of sexual harassment swiftly, sensitively, and objectively using specified procedures.
- The focus in dealing with complaints should be to understand what has happened and address that proportionately, including where this involves the employer acknowledging failing and accepting fault and blame where appropriate.
- Deal directly with third party perpetrators (such as service users, patients, clients, visitors or contractors) outlining actions which may include withdrawing service, terminating a contract, banning from the premises if behaviour is not moderated.
- Ensure that this guidance is followed.

A member of the Education HR team will assist/advise any line manager in dealing with complaints of sexual harassment.

In terms of their own behaviour, managers and supervisors are expected to be exemplars to others. Any inappropriate behaviour or response to such behaviour or abuse of a manager's positional power will serve to condone harassment and will be considered a serious breach.

6.2 Employees

All staff have a responsibility to contribute to a respectful and productive working environment. This includes supporting and caring for their colleagues, customers and service users. All staff have a duty to assist in the creation of a safe working environment, where sexual harassment is not tolerated.

To discharge this duty, individual members of staff must:

Ensure they understand what sexual harassment is.

- Be aware of how their behaviour may affect others.
- Challenge unacceptable behaviour wherever possible if it is safe to do so. Forms of intervention include calling out behaviour that is unacceptable when it happens and addressing the person who is behaving inappropriately; taking steps to defuse the situation/redirect those involved; checking in with

the recipient of the behaviour after it has taken place, assuring them that what occurred was not acceptable.

- Report incidents of sexual harassment when witnessed and/or support recipients of sexual harassment in reporting it.
- Co-operate in investigations into alleged sexual harassment.

7.0 WHAT SHOULD I DO IF I AM THE RECIPIENT OF UNWANTED CONDUCT OF A SEXUAL NATURE

You can report any concerns to your manager/Headteacher or the HR department. In some cases, you may feel able to ask the perpetrator to stop the behaviour. If that is ineffective, or you do not feel able to do this, an informal discussion with your line manager or a member of the HR team, can be a useful way of talking through what has happened and deciding what further action you wish to take. This initial advice can be given in confidence (except where there is felt to be an imminent risk of harm to yourself or others).

The important point to remember is that whilst the advisor will be able to explain your options and offer support, the process will be guided by you and your choices. You do not have to pursue a complaint or make a report to receive support and advice on your options. You can receive advice on the procedures, both formal and informal and what to expect should you chose to pursue either route. Other options such as mediation can be explained in more detail and explored should you wish. To speak to an advisor email reportandsupport@conwy.gov.uk where an advisor will get back to you within 2 days. Alternatively if you need urgent advice, contact HR on 01492 577000.

Information on external support that is available to school staff will be provided whenever you report sexual harassment (please also see Appendix 1).

Recipients of sexual harassment are encouraged to report any instances of sexual harassment, victimisation or discrimination experienced. Reporting is an important step in preventing the behaviour and is important to the recipient's ongoing health, safety and wellbeing, and will enable them to access appropriate guidance and support. However, we recognise that there may be many reasons that someone who has experienced sexual harassment may not report it and the school are committed to making it easier and less stressful to do so.

A person may also report concerns about sexual harassment to the police when they consider it appropriate to do so. Personal safety is paramount and where a person has any concerns about criminal behaviour we recommend reporting to the police.

8.0 WHAT SHOULD I DO IF I HAVE WITNESSED UNWANTED CONDUCT OF A SEXUAL NATURE?

You do not have to be the recipient or target of sexual harassment to raise a concern or make a complaint. If you see it happening or become aware of it, you should report it provided it is safe to do so and you feel able to do so. We recognise that past experience of sexual harassment may make this difficult. Your actions can be important in helping create a culture free from sexual harassment and ensuring that there are no bystanders. Tackling sexual harassment is everybody's responsibility. Those who have witnessed sexual harassment can use the reporting mechanisms outlined above.

9.0 INVESTIGATIONS

It may be appropriate for an investigation to commence, which will be completed in line with the Dignity at Work Policy. Please refer to this policy for more information regarding this process.

10.0 OUTCOMES AND SANCTIONS FOR COMMITTING SEXUAL HARASSMENT

In some cases, the outcome of a complaint may be an informal resolution, such as an apology or a facilitated discussion with the alleged perpetrator about how their behaviour is received, or that the matter is not found to amount to sexual harassment. If this is the case the information will be provided to the complainant and

any alleged perpetrators.

If a complaint of sexual harassment is upheld, then it may progress to the disciplinary policy. The investigation conducted under the Dignity at Work Policy can be progressed via the disciplinary policy. The outcome of a disciplinary process could range from no sanction to a formal sanction and dismissal. These steps will be taken in accordance with the staff disciplinary policy and procedure.

11.0 PROTECTION FROM VICTIMISATION

All staff shall be protected from intimidation, victimisation or discrimination for making a complaint of sexual harassment or for assisting in an investigation. Retaliating against a worker for complaining about or assisting in an investigation of sexual harassment could be a disciplinary offence.

12.0 RISK ASSESSMENTS

Our schools should anticipate the types of harassment that could take place within the workplace and carry out risk assessments.

As part of their risk assessment the school should:

- Consider the risks of sexual harassment in the workplace. Examples could include factors such as lone working, alcohol consumption at events outside of school, power imbalances between staff, as well as harassment of employees by students and pupils.
- Consider the steps it could take to reduce or remove that risk
- Consider which of those steps it would be reasonable for it to take bearing in mind the time, cost and potential disruption caused by taking the step.
- Any reasonable steps identified should be implemented.

An example risk assessment is provided in Appendix 2, however please note, each risk assessment should be individual and tailored to your own school.

13.0 MONITORING AND REVIEW

To maintain a safe working environment free from sexual harassment, it is recommended the Governing Body:

- Conduct regular surveys to anonymously assess whether staff have experienced or witnessed sexual harassment, whether they reported it and any barriers they encountered in doing so. Example questions for a survey can be found in Appendix 3.
- Keep records of all reported sexual harassment complaints, investigations and outcomes.
- Assess training effectiveness by gathering feedback from staff on their understanding of sexual harassment and their awareness of reporting procedures.
- Be committed to creating an ongoing process of improvement, ensuring that our workplace remains safe, inclusive and harassment-free.

APPENDIX 1 – RESOURCES AND SUPPORT

- [Live Fear Free](#) - domestic abuse / sexual violence support (mainly for women):
 - Telephone: 0808 80 10 100
- [Galop](#) (formerly Broken Rainbow) - support for LGBT+ people who have experienced abuse and violence:
 - Telephone: 0800 999 5428
- [Mind](#) - racism and mental health support
- [Respect men's advice line](#) - for men suffering abuse:
 - Telephone: 0808 801 0327
- [North Wales RASA](#) - rape and sexual assault support:
 - Telephone: 01286 669266
- [Mind](#) - mental health support:
 - Telephone: 020 8519 2122
- [Disability Law Service](#) - free legal advice for people with disabilities and their carers:
 - Telephone: 020 7791 9800
- [Victim Support](#) - free, confidential support for victims of crime or traumatic incidents:
 - Telephone: 08081689111
- [Stonewall Cymru](#) - LGBT+ support:
 - Telephone: 08000 50 20 20
- [Zoteria](#) (Stonewall) - flag LGBT+ hate incidents
- [Umbrella Cymru](#) - gender and sexual diversity support:
 - Telephone: 0300 302 3670
 - Text: 07520 645700
- [MindLine Trans+](#) - mental health and wellbeing resources:
 - Telephone: 0300 330 5468
- [TransActual](#) - mental health and wellbeing resources
- [Samaritans](#) - mental health crisis support:
 - Telephone: 116 123
- [Diverse Cymru](#) - mental health and wellbeing:
 - Telephone: 029 2036 8888
- [Vivup](#) - confidential counselling and employment advice for CCBC employees:
 - Telephone: 0800 023 9387
- [Citizens Advice](#) - legal advice, in particular helpful with issues involving harassment or discrimination:
 - Telephone: 0880 702 2020
- [Unison](#) - recognised trade union:
 - Telephone: 01492 534682
- [GMB](#) - recognised trade union:
 - Telephone: 01492 535313
- [Unite](#) - recognised trade union:
 - Telephone: 01248 362098
- [NASUWT](#) – Teaching Trade union
 - Telephone: 029 20546080
- [NEU](#) – Teaching Trade union
 - Telephone: 029 20491818
- [UCAC](#) – Teaching Trade Union
 - Telephone: 01970 639950
- [NAHT](#) – Headteachers Trade Union
 - Telephone: 0300 3030333
- [ASCL](#) – Headteachers Trade Union
 - Telephone: 0116 2991122

APPENDIX 2 – EXAMPLE RISK ASSESSMENT

See separate document

APPENDIX 3 – EXAMPLE QUESTIONS FOR SURVEY

General Awareness

1. Are you aware of the school's policy on sexual harassment?
 - Yes / No / Unsure
2. Do you know how to report sexual harassment at work?
 - Yes / No / Unsure

Experience

3. In the past 12 months, have you personally experienced sexual harassment at work?
 - Yes / No / Prefer not to say
4. If yes, what form did the harassment take? (Select all that apply)
 - Physical (e.g., unwanted touching)
 - Verbal (e.g., comments, jokes)
 - Non-verbal (e.g., gestures, images)
 - Online/digital (e.g., messages, social media)

Witnessing

5. In the past 12 months, have you witnessed sexual harassment at work?
 - Yes / No / Prefer not to say

Reporting

6. Did you report the incident(s) you experienced or witnessed?
 - Yes / No / Prefer not to say
7. If you did not report, what were the reasons? (Select all that apply)
 - Fear of retaliation
 - Lack of confidence in the process
 - Didn't think it was serious enough
 - Didn't know how to report
 - Other (please specify)

Culture and Confidence

8. Do you feel confident that the school takes sexual harassment seriously?
 - Yes / No / Unsure
9. Do you believe the school provides a safe and respectful working environment?
 - Yes / No / Unsure

Training and Support

10. Have you received training on sexual harassment and reporting procedures?
 - Yes / No
11. What additional support or resources would help you feel safer at work?
 - [Open text box]