



EBOR ACADEMY TRUST

Policy Number

22x

Anti-sexual harassment policy

Ebor Academy Trust works closely with Trade Union Partners to develop and implement a fair and effective suite of people policies. Please seek advice from your trade union representative if you require support with this policy. If you are not a member of a trade union, please visit the Union tab or HR Self-service. Ebor Academy Trust welcomes Trade Unions to support staff throughout the processes associated with this policy. Equality data is collected and analysis is completed as part of the Trust's commitment to equity.

Approved By:

CEO

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Related Policies & Documents:

Staff Code of Conduct; Disciplinary Policy; Grievance Policy; Whistleblowing Policy; Safeguarding Policy; IT Acceptable Use Policy

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INCLUSION

Ebor Academy Trust is committed to:

- Promoting equality and diversity in its policies
- Delivering high quality teaching and services that meet the diverse needs of its children and workforce, ensuring that no individual or group is disadvantaged
- The application and outcomes from this policy will be monitored to ensure staff are treated equitably when approaching, taking and returning from family leave, and that they are not disadvantaged by taking family leave or having caring responsibilities.
- Equality impact analysis takes place as part of policy development and assessment prior to publication.

1. Aims

Ebor Academy Trust is committed to providing a working environment in which all employees and workers are treated with dignity and respect and are able to work free from sexual harassment, intimidation and inappropriate behaviour.

This policy sets out the Trust's approach to preventing and responding to sexual harassment in the workplace. It applies across all Trust schools, central services and other locations where Trust employees and workers undertake work on behalf of the Trust.

The Trust has a legal responsibility to take reasonable steps to prevent sexual harassment of its employees and other workers. The Trust will take a proactive approach to preventing sexual harassment rather than relying solely on individuals reporting incidents after they have occurred.

This policy applies to all Trust employees and workers and, where relevant, to volunteers, job applicants, contractors and other individuals working with or for the Trust.

The Trust recognises that sexual harassment may be perpetrated by or involve a third party, including:

- pupils
- parents and carers
- contractors
- visitors
- volunteers
- governors
- trustees
- employees or workers of other organisations
- other individuals with whom employees come into contact through their work.

Sexual harassment will not be tolerated, whether it is perpetrated by an employee, worker or third party.

The Trust will take all concerns seriously and will respond promptly and appropriately. Where an employee or worker is found to have engaged in behaviour amounting to sexual harassment, appropriate action will be taken, which may include action under the Trust's Disciplinary Policy.

Where behaviour may amount to a criminal offence or raise safeguarding or regulatory concerns, the Trust will consider whether the matter should be reported to the appropriate external authority.

2. Legislation, equality and guidance

- Equality Act 2010
- Worker Protection (Amendment of Equality Act 2010) Act 2023
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Health and Safety at Work etc. Act 1974
- Keeping Children Safe in Education (KCSIE)
- Working Together to Safeguard Children
- Equality and Human Rights Commission – Sexual Harassment and Harassment at Work: Technical Guidance
- Equality and Human Rights Commission – Employer 8-step guide: Preventing Sexual Harassment at Work
- ACAS guidance on sexual harassment and handling workplace complaints

3. Preventing Sexual Harassment

Preventing sexual harassment requires active and ongoing action. The People & Culture Team will work with schools and Trust leaders to identify and assess risks relating to sexual harassment and to implement appropriate preventative measures.

Preventative measures may include:

- annual risk assessments
- staff training and awareness raising
- appropriate induction arrangements
- monitoring of reported incidents and concerns
- staff engagement and feedback
- review of workplace culture
- appropriate action where concerns are identified
- learning from incidents to prevent recurrence.

The Trust will consider whether there are particular circumstances, working environments, roles or relationships in which there may be an increased risk of sexual harassment, including situations involving unequal power or authority.

Where an incident occurs, the Trust will consider whether further preventative or remedial action is required. This may include additional training, changes to working arrangements, increased supervision, management action, safeguarding action or other appropriate measures.

The Trust will periodically review available information, including reported incidents and staff feedback, to identify patterns, trends or areas where additional preventative action may be required.

4. Definition of Sexual Harassment

Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of:

- violating someone's dignity
- creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Conduct may constitute sexual harassment where it has one of these effects even if the person responsible did not intend to cause offence.

Sexual harassment can happen to anyone, regardless of sex, gender identity, sexual orientation or any other characteristic.

Sexual harassment may occur:

- in the workplace
- in a Trust school
- in a Trust office or other Trust premises
- while working remotely or from home
- during work-related travel
- at work-related meetings, training or events
- at social events connected with work
- outside normal working hours where there is a sufficient connection with work
- through electronic or digital communications.

Sexual harassment may occur in person or through other forms of communication, including email, text message, social media or other digital platforms.

Examples of behaviour that may constitute sexual harassment include, but are not limited to:

- sexual comments, jokes or so-called "banter"
- displaying or circulating pornography
- displaying sexually explicit or graphic images, photographs or material
- suggestive looks, staring or leering
- propositions or unwanted sexual advances
- requests or demands for sexual favours
- sexual gestures
- intrusive questions about someone's private or sex life
- unwanted discussion of an individual's own private or sex life
- sexual comments, messages or contact through social media
- spreading sexual rumours or gossip about an individual
- sending sexually explicit emails, messages or other communications
- unwanted touching, hugging, kissing, massaging or other physical contact
- sexual assault.

The Trust will consider the impact of the behaviour on the recipient and the surrounding circumstances when determining whether conduct may amount to sexual harassment. The intention of the person responsible will be relevant to understanding the circumstances but does not, in itself, determine whether conduct constitutes sexual harassment.

The Trust recognises that sexual harassment can occur within relationships where there is an imbalance of power or authority. Any indication of abuse of power or an unequal relationship will be taken into account when determining the appropriate response.

5. Third-Party Sexual Harassment

Employees may experience sexual harassment from individuals who are not employed by the Trust.

The Trust will not tolerate sexual harassment of its employees by third parties. The Trust will also not tolerate sexual harassment of pupils, parents, contractors, visitors or other third parties by Trust employees or workers.

Where an employee reports sexual harassment by a third party, the Trust will consider what action is reasonably available to protect the employee and prevent further incidents.

Depending upon the circumstances, this may include:

- reporting the matter to the third party's employer or organisation
- agreeing an investigation or response with the relevant organisation
- restricting or controlling access to Trust premises
- changing working arrangements
- implementing additional supervision or safeguards
- reporting safeguarding concerns
- reporting potentially criminal behaviour to the Police
- taking disciplinary action where a Trust employee is responsible.

Where an employee is alleged to have sexually harassed a third party, the matter may be considered under the Trust's Disciplinary Policy, Grievance Policy or other relevant procedure.

6. Roles and Responsibilities

Trust Board

The Trust Board is responsible for:

- ensuring that the Trust takes reasonable steps to prevent sexual harassment;
- monitoring the effectiveness of the Trust's arrangements;
- receiving appropriate reports on sexual harassment and preventative activity; and

Chief Executive Officer

The Chief Executive Officer is responsible for approving this policy and providing strategic leadership to ensure that the Trust maintains appropriate arrangements for preventing and responding to sexual harassment so that employees are treated fairly and consistently.

Headteachers and Line Managers

Leaders and line managers are responsible for:

- promoting a working environment free from sexual harassment;
- ensuring staff understand the expectations set out in this policy;
- responding promptly to concerns;
- ensuring concerns are referred to the People & Culture Team where appropriate;
- identifying and managing risks within their area of responsibility;
- ensuring staff have access to appropriate training;
- maintaining appropriate confidentiality;
- taking immediate action where there may be a safeguarding or safety concern; and
- cooperating fully with investigations.

People Team

The People & Culture Team is responsible for:

- overseeing the implementation and review of this policy
- providing advice and guidance to leaders and employees
- supporting the Trust's preventative approach
- supporting risk assessment and monitoring
- maintaining appropriate records of reported incidents and training
- ensuring appropriate employment law and statutory guidance is considered
- supporting the appointment of appropriately trained investigators
- monitoring trends and learning from cases
- reporting appropriate anonymised information to Trust leadership and the Trust Board
- coordinating or supporting training.

Employees and Workers

All employees and workers are expected to:

- treat colleagues and others with dignity and respect
- comply with this policy and the Trust's Code of Conduct
- avoid behaviour which could constitute sexual harassment
- report concerns where they experience or witness sexual harassment
- cooperate with investigations and provide truthful evidence where required
- contribute to maintaining a working environment free from harassment, bullying and intimidation.

7. Reporting Sexual Harassment

Any employee or worker who experiences sexual harassment, or who believes they have witnessed sexual harassment, is encouraged to report the concern as soon as reasonably practicable.

Concerns may be raised informally or formally, depending upon the circumstances and the wishes of the person raising the concern.

An employee may raise a concern with:

- their line manager
- their Headteacher
- another senior leader
- another line manager or leader within the Trust they feel comfortable approaching.

Where the concern involves the individual's line manager or Headteacher, the concern should be raised with another appropriate senior leader or directly with the HR Business Partner.

The Trust recognises that individuals may find it difficult to report sexual harassment. Employees will not be expected to confront the person responsible before raising a concern.

All concerns will be treated seriously and handled as confidentially as reasonably possible. Confidentiality cannot, however, be guaranteed where disclosure is necessary to investigate the concern, protect individuals, comply with safeguarding responsibilities or meet legal obligations.

The HR Business Partner will advise on the appropriate next steps, which may include informal management action, a formal investigation, disciplinary action, safeguarding action or another appropriate response.

8. Investigation and Response

Where a formal investigation is required, the Trust (usually the Head) will appoint an appropriately trained investigating officer.

The investigating officer will approach the investigation impartially and will follow the Ebor Investigation process.

All parties involved will be treated fairly and with dignity throughout the process.

The Trust will consider appropriate support for individuals affected by a report. This may include management support, HR advice, Occupational Health or other appropriate support services, included the Trust's EAP scheme provider.

The Trust will consider whether interim measures are necessary while an investigation is undertaken. Such measures will be considered on an individual basis and will not automatically imply that an allegation has been substantiated. If suspension is considered, the Ebor Suspension process should be followed and details recorded on the template.

Where the investigation identifies evidence of misconduct, the matter may proceed under the Trust's Disciplinary Policy.

Where appropriate, the Trust will consider whether conduct should be referred to:

- the Police
- the Local Authority Designated Officer (LADO)
- the Teaching Regulation Agency (TRA)
- the Disclosure and Barring Service (DBS)
- another relevant statutory or regulatory body.

Any such referral will be considered in accordance with the Trust's safeguarding responsibilities, legal obligations and relevant statutory guidance.

Where appropriate and lawful, the Trust will consider whether formal action should be disclosed in an employment reference.

9. Witnessing Sexual Harassment

Employees who witness behaviour they believe may constitute sexual harassment are encouraged to report their concerns as soon as reasonably practicable.

A witness may report the matter even where the person who appears to have been affected has not made a complaint.

The Trust recognises that witnessing sexual harassment may itself create an offensive or intimidating working environment and may affect the dignity and wellbeing of the witness.

Employees who report concerns as witnesses will be treated fairly and will be offered support.

Employees may be required to provide evidence as part of an investigation or formal proceedings.

10. Protection from Victimisation

The Trust will not tolerate victimisation of anyone who:

- raises a genuine concern about sexual harassment
- makes a complaint
- supports another person who raises a concern
- acts as a witness
- participates in an investigation
- the Trust will investigate vexatious or deliberately misleading allegations and may refer to the disciplinary policy

Any employee found to have victimised another person in connection with a report or investigation may be subject to disciplinary action. This protection extends to colleagues who are the subject of allegation to ensure they are treated fairly throughout the process.

11. Training and Awareness

All staff will receive appropriate training and awareness information on recognising and preventing sexual harassment.

Training will form part of induction and will be reinforced through appropriate ongoing communication and learning.

Headteachers, line managers and other leaders will receive additional training appropriate to their responsibilities, including how to:

- recognise sexual harassment
- respond to concerns
- support individuals
- manage confidentiality
- identify risks
- prevent sexual harassment
- understand the Trust's procedures
- contribute to investigations and appropriate resolution.

Employees involved in investigating sexual harassment concerns will receive appropriate training and support.

Following an incident, the Trust will consider whether additional training, communication or other preventative measures are required.

12. Record Keeping

The Trust will maintain appropriate records relating to:

- reported incidents
- investigations
- outcomes
- training
- risk assessments
- preventative action
- remedial action.

Records will be maintained securely and handled in accordance with data protection requirements.

Information will be anonymised where appropriate when reported for organisational monitoring and governance purposes.

The Trust will use appropriate information to identify trends and assess the effectiveness of its preventative arrangements.

13. Monitoring and Review

The People & Culture Team will monitor the implementation and effectiveness of this policy.

Appropriate information about reported incidents, preventative activity, training and emerging risks will be reported to Trust leadership and the Trust Board.

The policy will be reviewed at least annually and sooner where:

- legislation or statutory guidance changes
- significant case law or good practice changes
- an incident identifies a need for amendment
- monitoring identifies that the policy or its implementation requires improvement.

14. Post-Incident Case Review and Organisational Learning

Following a significant or investigated incident of sexual harassment, the Trust may undertake a case review.

The purpose of the review will be to:

- consider the circumstances of the case
- identify any learning
- consider whether the Trust's policies and procedures operated effectively
- identify any organisational or workplace risks
- identify preventative measures
- determine whether further training is required
- reduce the likelihood of recurrence.

Where appropriate, learning from cases will be shared across the Trust while maintaining confidentiality and protecting personal information.