Policy	Sexual Harassment Policy – HR90
Document owner	Director of People & Resources
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Date governor-approved	
Associated documents	Disciplinary Policy Grievance Policy Equality, Diversity, and Inclusion Policy Bullying and Harassment Policy
Reference documents	Equality Act 2010 Worker Protection Act 2023 Protection from Harassment Act 1997 Health and Safety at Work Act 1974
Initial reviewing body	Human Resources
Final approval body	Senior Leadership Team
Published on website	Yes

Purpose	The purpose of this policy is to outline the steps Derwen College will take to prevent sexual harassment from occurring and outline the reporting procedures for colleagues to make a complaint about sexual harassment.
Scope	This policy covers all employees of Derwen College, to include governors, volunteers, and work placements. It also covers visitors, third parties, customer, and contractors. This policy covers behaviour which occurs: • In the workplace • In situations occurring outside of the normal workplace or normal working hours which is related to work, e.g., working lunch, a business trip, or social functions. • Outside of a work situation but involving a colleague or other person connected to the College, including on social media. • Against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.
Definitions	Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It also covers treating someone less favourably because they have submitted to, or refused to submit to, unwanted conduct of a sexual nature or in relation to gender reassignment or sex. Third parties include our customers, suppliers, members of the public, people using the service, visitors on site, agency workers and contractors.

Equality, Diversity & Inclusivity	*"[Derwen] College is committed to promoting equality, good relations and to challenging discrimination. This is reflected in all College policies, procedures, processes, and practices."* *Derwen College Equal Opportunities Policy* Derwen College's ethos is to embrace diversity, to offer equality of opportunity, and to treat every individual fairly and with respect. Equality, diversity, and inclusivity are embedded throughout the organisation. This policy should be applied in accordance with this ethos. If you would like a copy of this document in a different format, such as large print, please contact the Human Resources Department who will provide help with alternative formats.

Sexual harassment takes many forms, but whatever form it takes it is unlawful under the Equality Act 2010 and will not be tolerated. All colleagues are entitled to be treated with dignity and respect in our place of work. This means freedom from sexual harassment, feeling safe and supported and having access to redress if such behaviour does arise.

Derwen College will take all reasonable steps to prevent sexual harassment from occurring and have clear reporting procedures for colleagues to make a complaint about sexual harassment.

Sexual harassment may be committed by a fellow colleague or by a third party. Aswell as occurring in person, it can occur via digital means, including social media. Someone may be sexually harassed even if they were not the target of the behaviour. Examples of sexual harassment include, but are not limited to:

- sexual comments or jokes, which may be referred to as "banter".
- displaying sexually graphic pictures, posters, or photos.
- 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 in online communications, including on social media.
- spreading sexual rumours about a person.
- sending sexually explicit emails, text messages or messages via other social media.
- unwelcome touching, hugging, massaging, or kissing.

Victimisation is subjecting someone to detriment because they have done, are suspected of doing, or intend to do, an act which is protected under discrimination and harassment laws. These are outlined below. It is not necessary for the person to have done the protected act in order for detrimental treatment to be considered as victimisation.

The protected acts are:
- making a claim or complaint
- helping someone else to make a claim or complaint.

Making a Complaint

Derwen College is committed to ensuring that there is no sexual harassment or victimisation in our workplace. Allegations of sexual harassment and victimisation will be treated seriously, although every situation will be considered on an individual basis.

We recognise that complaints of sexual harassment or victimisation can be of a sensitive or intimate nature and colleagues are encouraged to raise any concerns they may have to their manager and/or the HR department, without delay.

Informal complaint

If sexual harassment is experienced and the individual subject to the harassment feels comfortable to do so, they should make it clear, on an informal basis that the behaviour they have been subjected to is unwelcome and ask for it to stop.

Formal complaint

Where the informal approach fails or if the sexual harassment or victimisation is more serious, the matter should be brought to the attention of a manager and/or HR department as a formal written complaint.

If possible, notes of what happened should be kept so that the written complaint can include:

- the name of the person who the complaint is against
- the nature of the alleged harassment
- the dates and times when the alleged harassment occurred.
- the names of any witnesses
- any action already taken by you to stop the alleged harassment.

On receipt of a formal complaint, the college will take action to separate the complainant from the person who the allegation is against to enable an uninterrupted investigation to take place in accordance with our Disciplinary and Grievance policies.

Witnesses to Sexual Harassment or Victimisation

If sexual harassment or victimisation is witnessed, colleagues are encouraged to take appropriate action to address it including supporting the person subjected to the harassment and encouraging the incident to be reported without delay.

Third-party Sexual Harassment

Third-party sexual harassment occurs when a colleague is subjected to sexual harassment by someone who is not employed by Derwen College but who is encountered in connection with work. Third-party sexual harassment of our workforce is unlawful and will not be tolerated. The college will endeavor to address all allegations of sexual harassment by third parties, however the action taken will be dependent on the circumstances of the alleged incident.

This policy is made available to all third parties via our website and is referenced in our contractor's code of conduct.

Those subjected to third-party sexual harassment, are encouraged to report it as soon as possible.

We will not tolerate sexual harassment by any member of our workforce against a third party. Instances of sexual harassment of this kind may lead to disciplinary action, including termination of employment.

Disciplinary Action

If, following thorough investigation, the allegation of sexual harassment or victimisation is founded, this may lead to disciplinary action up to, and including, summary dismissal.

If, due to the investigation, it is concluded that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against the person who made the complaint.

Training

We ensure that all levels of management are trained on implementing this policy, including preventing and managing sexual harassment in the workplace and the procedure to follow if an allegation is reported.

We will regularly review the effectiveness of our training and will provide refresher training as appropriate.