**4.9 Sexual Harassment Policy**

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**Policy Statement**

Little Apples of Bramley 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.

Little Apples of Bramley has a zero-tolerance policy of sexual harassment. Sexual harassment is unlawful, and we 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. Little Apples of Bramley 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 or at social functions.

This policy applies to all employees, trustees, and volunteers, and covers harassment by staff and also by third parties such as parents and visitors.

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

**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 and third parties such as volunteers, parents 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. Little Apples of Bramley 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 who can help you resolve the issue.

The manager 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 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 the manager [or the Chair of the committee if your complaint is against the manager].

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.

Little Apples of Bramley 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.

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, volunteer 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 Little Apples of Bramley Committee to consider the complaint.

If the committee 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, volunteer or 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 the committee, 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.

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**

Little Apples of Bramley 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 or 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 the manager. 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](http://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.

Staff members can refer to their Staff Handbook and other relevant policies for further guidance:

* Code of Conduct
* Disciplinary Procedure
* Grievance Procedure
* Induction
* Whistleblowing policy

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| **This policy was adopted by Little Apples of Bramley** |
| **On 22nd November 2024** |
| **Date to be reviewed** |
| **Signed on behalf of the management committee *J V Whatley*** |
| **Name of signatory J V Whatley** |
| **Role of signatory Manager** |