LEITHS EDUCATION

Harassment and Sexual Harassment Policy

Document Control

Date of Publication/Review	Version	Author/Reviewer	Approved By	Changes Made
23/10/2024	1.0	Sophie Kidd	Maria Dunbar (CEO)	Initial Release
01/10/2025	1.1	Sophie Kidd	Maria Dunbar (CEO)	Minor policy updates
30/10/2026	1.2	Sophie Kidd	Maria Dunbar (CEO)	Policy name change. Updates in line with 2026 legislative changes.

LEITHS EDUCATION

1. Introduction

In accordance with the Equality Act 2010 and the employer's duty to take all reasonable steps to prevent harassment, all employees have the right to work in an environment where they are treated with dignity, courtesy and respect, free from sexual harassment and harassment related to any protected characteristic, and where concerns can be raised and addressed promptly and fairly.

Leiths is committed to taking all reasonable steps to prevent sexual harassment and other unlawful harassment from occurring in the workplace. Prevention is a shared responsibility, but the organisation will take proactive measures to identify, assess and reduce the risk of harassment before incidents occur, rather than solely responding after complaints have been made.

All of our staff have a responsibility to behave in line with the requirements of this policy. Instances of harassment, sexual harassment or victimisation may lead to disciplinary action including termination of employment.

This policy is reviewed regularly to ensure it remains up to date and in order to monitor its effectiveness. Any changes required will be implemented and communicated to our organisation.

2. Scope

Leiths do not accept any form of harassment, and seek to ensure that our working environment is safe and supportive to all those who work for us. This includes employees, workers, agency workers, volunteers and contractors in all areas of our Organisation, including any overseas sites.

3. Definitions

Harassment is defined by the Equality Act 2010 as unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

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 for that person. It also covers treating someone less favourably because they have submitted to or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex.

Harassment may be committed by a fellow member of staff, an agent of an organisation or a third party. It does not need to occur in person. It can occur via digital means including social media sites or channels. Someone may be harassed even if they were not the target of the behaviour. Examples of harassment include, but are not limited to:

a) sexual comments or jokes, which may be referred to as ‘banter’
b) displaying sexually graphic pictures, posters or photos
c) suggestive looks, staring or leering
d) propositions and sexual advances
e) making promises in return for sexual favours
f) sexual gestures
g) intrusive questions about a person’s private or sex life or a person discussing their own sex life
h) sexual posts or contact in online communications including on social media
i) spreading sexual rumours about a person
j) sending sexually explicit emails, text messages or messages via other social media
k) unwelcome touching, hugging, massaging or kissing
l) Making derogatory, offensive or insulting comments, jokes, nicknames or stereotypes relating to a person's age, disability, race, religion or belief, sex, sexual orientation or other protected

characteristic
m) Mimicking, mocking or ridiculing a person's accent, disability, mannerisms, appearance, religious practices or cultural background
n) Using offensive language, slurs or stereotypes

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. 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:

a) making a claim or complaint under the Equality Act 2010 (for example, for discrimination or harassment)
b) helping someone else to make a claim by giving evidence or information in connection with proceedings under the Equality Act 2010
c) making an allegation that someone has breached the Equality Act 2010, or
d) doing anything else in connection with the Equality Act 2010

Examples of victimisation may include:

a) Failing to consider someone for promotion because they have previously made a sexual harassment complaint
b) Dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint
c) Excluding someone from work meetings because they gave evidence as a witness for another employee as part of an employment tribunal claim about harassment.

4. Circumstances which are covered

This policy covers behaviour which occurs in the following situations:

- a work situation
- a situation occurring outside of the normal workplace or normal working hours which is related to work, for example, a working lunch, a business trip or social functions
- outside of a work situation but involving a colleague or other person connected to the Company, including on social media
- against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role

5. What to do if you are subject to harassment or victimisation

We are committed to ensuring that there is no harassment or victimisation in our workplace. Allegations of harassment and victimisation will be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance with the principles of our disciplinary policy and procedures, a copy of which is available on BrightHR.

Informal complaint

We recognise that complaints harassment or victimisation can be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances, you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the same person who will be responsible for investigating the matter if it becomes a formal complaint.

If you experience harassment and you feel comfortable to do so, you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

In addition, you may also choose to raise concerns during your regular communication with your manager, for example, in a 1 to 1 meeting. Your manager will listen to you and take your concerns seriously if you do this, but may encourage you to follow the reporting procedures set out below.

Formal complaint

Where the informal approach fails or you do not wish to use the informal procedure, you should bring the matter to the attention of the Director of People & Culture as a formal written complaint. Your confidential helper can assist you in this.

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

- the name of the alleged harasser;
- the nature of the alleged harassment;
- the dates and times when the alleged harassment occurred;
- the names of any witnesses; and
- any action already taken by you to stop the alleged harassment

On receipt of a formal complaint, we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.

A member of the Senior Leadership Team will be appointed as investigator and will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. The meeting will normally be held within five working days of receipt of your complaint. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence may be dealt with under the disciplinary procedure.

On conclusion of the investigation, which will normally be within ten working days of the meeting with you, the decision of the investigator, detailing the findings, will be sent in writing to you.

You have the right to appeal against the findings of the investigator. If you wish to appeal you must inform the Director of People & Culture within five working days. You will then be invited to a further meeting. As far as reasonably practicable, the Company will be represented by a more Senior Manager than attended the first meeting (unless the most Senior Manager attended that meeting).

Following the appeal meeting, you will be informed of the final decision, normally within ten working days, which will be confirmed in writing.

Regardless of the outcome of the procedure, we are committed to providing the support you may need. This may involve mediation between you and the other party or some other measure to manage the ongoing working relationship.

You will not be victimised for having brought a complaint.

6. What to do if you witness harassment or victimisation

If you witness harassment or victimisation, you are encouraged to take appropriate action to address it. You should not take any action that may put you at risk of harassment, sexual harassment or other harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support to the person who has been harassed and encouraging them to report the incident or reporting the incident yourself.

If reporting the incident, you should bring the matter to the attention of the CEO or Director of People & Culture in writing.

Your concerns will initially be handled by the Director of People & Culture who will sensitively talk to the person subject to sexual harassment to determine how they want the matter to be handled.

Employees may raise concerns anonymously where appropriate. Anonymous reports will be considered and investigated as far as reasonably practicable.

7. Third-party harassment

Third-party harassment occurs when one of our staff are subjected to harassment or sexual harassment by someone who is not part of our workforce, but who is encountered in connection with work. This includes but is not limited to our suppliers, members of the public, students, guests, customers, friends and family of colleagues.

Third-party harassment of our staff is unlawful and will not be tolerated. The law requires employers to take all reasonable steps to prevent harassment by third parties.

In order to prevent third-party harassment from occurring, we will:

- attach signage to the walls of the areas within the workplace where third-parties are present to warn that harassment of our staff is not acceptable
- inform third-parties i.e. suppliers of our zero-tolerance harassment policy within our supplier documentation
- inform students of our zero-tolerance harassment policy through the student handbook

If you have been subjected to third-party harassment, you are encouraged to report this as soon as possible to the CEO or Director of People & Culture.

Should a third-party harass a member of our staff, we will take one or a number of the following actions; warn the third-party about their behaviour, ban them from our premises and share information relating to the incident with the wider organisation. Any criminal acts will be reported to the police. Leiths will monitor incidents involving third parties, maintain records of complaints and actions taken, and periodically review whether additional control measures are required.
Where significant risks are identified, measures may include:

- Enhanced supervision
- Security arrangements
- Staff safety devices
- Reviewing customer and supplier agreements
- Restricting access to premises
- Additional employee training

We will not tolerate harassment or sexual harassment by any member of our staff against a third-party. Instances of harassment may lead to disciplinary action including termination of employment.

8. Disciplinary Action

If the decision is that the allegation of harassment or victimisation is well founded, the harasser/victimiser will be liable to disciplinary action in accordance with our disciplinary procedure up to and including summary dismissal. An employee who receives a formal warning or who is dismissed for harassment or victimisation may appeal by using our disciplinary appeal procedure.

When deciding on the level of disciplinary sanction to be applied, we will take into consideration any aggravating factors affecting the case. One example of aggravating factors is an abuse of power over a more junior colleague.

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

9. Managers Responsibilities

Managers and supervisors play a key role in maintaining a workplace free from harassment and are expected to lead by example at all times. Managers must:

- Promote a respectful workplace culture
- Act immediately on concerns raised
- Monitor areas of higher risk
- Ensure employees attend mandatory training
- Report incidents to the Director of People & Culture or CEO
- Implement preventative measures identified through risk assessments
- Challenge inappropriate behaviour even where no complaint has been made

Managers who fail to take appropriate action in relation to harassment concerns, or who do not fulfil their responsibilities under this policy, may be subject to disciplinary action.

10. Training

We provide training to all our staff on harassment and sexual harassment to ensure there is a clear understanding of, amongst other things, what harassment is and how it may occur, that it will not be tolerated, expected levels of behaviour, how they can report any incidents of having been harassed or having witnessed it and that acts of harassment will be dealt with under the disciplinary procedure potentially resulting in dismissal.

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

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

11. Risk Assessment and Prevention

Leiths will regularly assess the risk of sexual harassment and other unlawful harassment within the workplace. Risk assessments will consider:

- Lone working arrangements
- Customer-facing roles
- Work-related travel
- Social events
- Online communications and social media
- Night working and unsupervised working

- Third-party interactions with customers, suppliers, contractors and visitors

Appropriate control measures will be introduced and reviewed where risks are identified.

12. Employee Assistance Programme

We would like to remind all staff that further support is available by contacting our Employee Assistance Programme, a confidential 24-hour telephone counselling service. Full details of the Employee Assistance Programme can be found on Teams and on noticeboards.

13. External sources of help

External organisations that can provide advice and support include:

- The Equality Advisory and Support Service (https://www.equalityadvisoryservice.com/)
- Protect (www.protect-advice.org.uk)
- Victim support (www.victimsupport.org.uk)
- Rape crisis (www.rapecrisis.org.uk)
- Rights of women (England and Wales) (www.rightsofwomen.org.uk)
- Scottish Women's Rights Centre (Scotland) (https://www.scottishwomensrightscentre.org.uk/)