

## **L&F Sexual Harassment and Bullying Policy**

*Effective for employees, students, directors, and volunteers on or after 01 August 2022*

First version: 1 August 2022

Next Review Due: August 2025

**Please Note:** A formal, full review of this document will take place on a 3-yearly basis. However, in the interim, the document will be updated as necessary to remain current with any statutory legislation and/or significant Government guidance updates on the subject.

## DOCUMENT CONTROL

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**Signature:** \_\_\_\_\_



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The person making the alteration must indicate every change between the previous (approved) document version and the altered document version.

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# L&F Sexual Harassment and Bullying Policy

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## 1. Introduction and Commitment

This policy reflects the changes in national guidance as a consequence of the publication of revisions to 'Keeping Children Safe in Education' which became statutory on 1 September 2021.

The L&F Training Designated Safeguarding Lead (DSL) will ensure that all existing staff receive this addendum to the L&F Safeguarding and Child Protection policy.

L&F Training (L&F) is committed to providing a safe environment for all its learners and staff, free from discrimination on any ground and from harassment at work, including sexual harassment.

L&F will:

- operate a zero-tolerance policy for any form of sexual harassment
- treat all incidents seriously and
- promptly investigate all allegations of sexual harassment.

Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from their training programme or employment.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence.

No one will be victimised for making such a complaint.

## 2. Key contacts

- Gillian Dewsbury, Contracts, Audit and Compliance Manager (Designated Safeguarding Lead) – [gilliandewsbury@landftraining.com](mailto:gilliandewsbury@landftraining.com)
- Fran Deeley, Director of Operations (Deputy DSL for L&F Training Somerset and London regions) – [frandeelay@landftraining.com](mailto:frandeelay@landftraining.com)
- Denise White, Curriculum & Development (Deputy DSL for L&F Training Somerset region) – [denisewhite@landftraining.com](mailto:denisewhite@landftraining.com)
- Esteban Gonzalez Perez, Teaching Learning Mentor (Deputy DSL for L&F Training London region) – [esteban@landftraining.com](mailto:esteban@landftraining.com)

**Note:** If a situation arises in which none of the Safeguarding Officers are available; Keeping Children Safe in Education KCSE (2022; which launches formally on 1<sup>st</sup> September 2022) advises that ‘All staff should be aware of the process for making referrals to local authority children’s social care and for statutory assessments under the Children Act 1989, especially section 17 (children in need) and section 47 (a child suffering, or likely to suffer, significant harm) that may follow a referral, along with the role they might be expected to play in such assessments.’

For full details, please see the L&F Safeguarding and Child Protection Policy.

## 3. Scope

The Sexual Harassment and Bullying Policy applies to all L&F Training staff (including temporary staff), job applicants, learners, apprentices, prospective students, volunteers and governors; whether they work or study in the main L&F Training Academy Centre, outreach centres, or other designated areas.

The policy applies to all learners on work experience placements (including those on work experience inside the Academy) and work-based and workplace learning programmes, and those engaged on any organised off-site activity.

It also applies to all L&F Education Support Services provision learners; though for these the L&F Education Co-ordinator and Education TLMs, will liaise with the relevant school to meet their safeguarding processes and protocols; whilst honouring L&F’s.

The policy applies to working arrangements with other agencies to support L&F Training’s Safeguarding and Child Protection Policy, including local education authorities, schools, support agencies, sub-contractors and employers.

#### **4. Definitions specific to this Policy**

**Note:** Please see the Anti-Bullying Policy for details on Bullying (including cyber bullying; prejudice based or Discriminatory bullying). The Safeguarding and Child Protection policy contains wider detail of definitions related to safeguarding and abuse.

##### **Sexual Harassment and Bullying**

Sexual harassment and bullying is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated.

It includes situations which create an environment which is hostile, intimidating or humiliating for the recipient.

Sexual harassment or bullying may be physical, verbal and non-verbal.

Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- The use of threats, coercion or rewards to gain sexual favour
- Comments on an individual's appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on sex
- Sending sexually explicit messages (by phone or email or social media)
- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Wolf-whistling

##### **Child on Child Abuse**

Child-on-child abuse is the abuse carried out by children on other children. For purposes of the Keeping Children Safe in Education Guidance, a Child is recognised as anyone up to the age of 18. As L&F work with young people below the age of 18 and with vulnerable adults over 18 years old; it is very important that all staff members recognise this form of abuse to help safeguard our learners accordingly.

Child-on-child abuse is most likely to include, but may not be limited to:

- bullying (including cyberbullying, prejudice-based and discriminatory bullying)
- abuse in intimate personal relationships between children (sometimes known as 'teenage relationship abuse')

- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse)
- sexual violence, such as rape, assault by penetration and sexual assault; (this may include an online element which facilitates, threatens and/or encourages sexual violence)
- sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of abuse causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party consensual (see note below) and non-consensual sharing of nude and semi-nude images and/or videos (also known as sexting or youth produced sexual imagery)
- up skirting, which typically involves taking a picture under a person's clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress, or alarm, and initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element).

**Note:** Consensual image sharing, especially between older children of the same age, may require a different response. It might not be abusive – but children still need to know it is illegal- whilst non-consensual is illegal and abusive. UKCIS provides detailed advice about sharing of nudes and semi-nude images and videos.

## 5. **L&F Training Stance in relation to Sexual Harassment or Bullying**

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. L&F recognises that sexual harassment may also occur between people of the same sex.

What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

L&F recognises that sexual harassment can be a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and staff member or trainer and learner.

**All** sexual harassment is prohibited, whether it takes place within our training environment or outside, including at social events or training sessions.

## **6. What will happen following a complaint of sexual harassment**

Anyone who is subject to sexual harassment and/or bullying should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome.

We recognise that it may not be possible for the victim to inform the alleged harasser. If a victim cannot directly approach an alleged harasser, he/she can approach the Designate Safeguarding Lead or any staff member.

When a staff member receives a complaint of sexual harassment, he/she will:

- reassure the victim that the complaint will be taken seriously
- record the dates, times and facts of the incident(s)
- ascertain the views of the victim as to what outcome he/she wants
- ensure that the victim understands the company's procedures for dealing with the complaint
- discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally may still result in pursuing a formal complaint if he/she is not satisfied with the outcome
- Refer the matter, if/as appropriate, to the Designated Safeguarding Lead to take forward; using the Safeguarding Report Form (JotForm) to do so.

The Designated Safeguarding Lead will:

- Take forward the complaint, as appropriate; ensure the victim is supported and appropriate action is taken in relation to the harasser.
- As needed will invoke the Concerns and Complaints Procedure to ensure the complaint is recorded appropriately (a sexual harassment and Bullying incident, may require both the Safeguarding Policy and Procedures and Complaints Procedure to be utilised).
- Work with other Senior Managers as appropriate, to identify specific staff and provide them with special training to enable them to assist victims of sexual harassment.

## **7. Support**

L&F recognises that because sexual harassment often occurs in unequal relationships within the Workplace or Classroom, victims often feel that they cannot come forward.

L&F understands the need to support victims in making complaints.

If the victim wishes to deal with the matter informally, the person receiving the complaint will:

- give an opportunity to the alleged harasser to respond to the complaint and
- ensure that the alleged harasser understands the complaints mechanism
- facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or

- refer the matter to the Designated Safeguarding Lead who will ensure that a confidential record is kept of what happens
- ensure that the above is done speedily and within one day of the complaint being made
- If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.

## **8. Sanctions and disciplinary measures**

Anyone (staff or Learner) who has been found to have sexually harassed and/or bullied another person under the terms of this policy is liable to any of the following sanctions:

- verbal or written warning
- suspension
- dismissal

To clarify in respect of Learners: any sexual harassment or bullying on the part of the Learner could result in suspension or dismissal from the course. L&F will also need to inform the employer of the reason for the actions taken.

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence or actual abuse, will result in the immediate dismissal of the harasser.

## **9. Implementation of this policy**

L&F Training will ensure that this policy is widely disseminated and will be included on the L&F Training website.

L&F will also inform parents, carers and employers about this policy.

All learners and staff will be trained on the implementation of this policy as part of their induction into the company.

L&F Training will ensure frequent updating of learners and staff on the implementation of this policy.

It is the responsibility of every manager to ensure that all his/her employees are aware of the policy.

L&F Training Ltd recognises the importance of monitoring this sexual harassment policy and tracking its use and whether or not it is effective. Data will therefore be kept of any reports raised in relation to Sexual Harassment and Bullying and held securely online in line with GDPR (alongside current details on Safeguarding incidents etc.).

Using these details the L&F Governance Board, will receive regular reports on the effectiveness of this policy, including the number of incidents, how they were dealt with, and any recommendations made.

This will be done on a yearly basis as a minimum. As a result of this report, L&F Training will evaluate the effectiveness of this policy and make any changes needed

#### **10. Other related Policies**

- Safeguarding and Child Protection Policy and Procedures
- Concerns and Complaints policy and Procedures
- Staff Conduct and Disciplinary Policy
- Student Disciplinary Policy