



# **Reporting and Dealing with Sexist Incidents and Sexual Harassment in Bristol Schools**

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## 1. Purpose of Guidelines

**This document provides assistance to schools in addressing sexist incidents and sexual harassment. Since the Duty to Promote Gender Equality under the Equality Act 2006 came into force in April 2007, governing bodies have been required to review all existing policies and to formulate and implement strategies for tackling sexism and sexually harassing incidents in their schools. Failure by a governing body to deal adequately with complaints of sexist or sexual harassment could be seen as discrimination and could result in legal action.**

“Schools and colleges have a crucial role to play, with parents, in helping children and young people to develop healthy relationships, deal with their emotions, and challenge the way in which some young men behave towards young women. What is taught in the classroom, the school’s values and ethos and the way in which it deals with bullying and inappropriate behaviour towards girls could all have an important impact.”

*Together We can End Violence against Women and Girls, HM Government consultation paper, March 2009*

Children and Young People’s Services is committed, under the legislation and policy set out in this document, to setting up procedures to monitor and report sexist incidents and sexual harassment in schools and to provide support as necessary.

These guidelines are designed to:

- Support schools to develop an ethos and culture where difference is celebrated and is not used as a basis for discrimination or harassment;
- Contribute to developing a safe working environment for all learners and staff and developing preventative measures so that they can achieve their full potential;
- Provide guidance to help establish effective procedures for reporting and recording and dealing with sexism and sexual harassment;
- Contribute to the promotion of high standards in primary and secondary education;
- Enable schools to satisfy the expectations of the Ofsted inspection;
- Support schools in fulfilling their obligations under the legislation and policy set out in this document;
- Assist the LA in fulfilling its statutory duties under the legislation set out in this document
- Enable the LA to work with partner agencies and contribute to strategies and intelligence which reduces the frequency of sexist & sexual harassment;
- Ensure that anti-sexist practice is developed within an equalities framework.

This guidance was written to complement Bristol's guidance on racist, disablist and homophobic incidents in schools. Permission should be sought via the Equalities Team before reproducing this guidance outside Bristol CYPS.

All of the information in this folder and related incidents forms are available on <http://intranet.bristol-cyps.org.uk/services/eit/incidents.html>

## 2. A Whole School Approach

“Sexual harassment in schools ranges from jokes, comments, graffiti, sexually degrading skits, bra snapping, pulling pants down, and skirt flipping, to attempted sexual assault and rape. These behaviours are often conducted in public, sometimes in front of adults and school personnel who do not intervene, or who respond with a wink or a nod. Such reactions from the adults give the students, be they the witnesses, the sense that sexual harassment conduct is considered normal and appropriate. The take-home lesson then becomes that if such conduct is permitted in public, with adults watching, then what is to stop the students thinking that these kinds of behaviours are appropriate in private.”

(Nan Stein, 2003: American expert)

Responses to sexist incidents and to sexual harassment should be part of a broader whole institutional response to sexism. Sexism is a social problem, not simply an individual expression of aggression from a bully. Too often, casual sexism can permeate the culture of any organisation so that both girls and boys can learn young that sexism, and discrimination on the grounds of sex, may not be met with the vigorous challenge with which other forms of discrimination are met. It is crucial that schools actively focus on creating a climate that prevents sexist incidents and sexual harassment from occurring. A positive anti-sexist school ethos and anti-sexist curriculum which celebrates difference while challenging stereotypes is vital.

It is also vital that schools create a climate in which pupils and staff feel able to report sexual harassment and related incidents. Pupils and staff must expect prompt, appropriate and consistent responses from all members of staff. This can encourage the reporting of incidents. Having a sensitive and caring approach is one effective way to demonstrate the commitment of the school in combating sexism and creating an anti-sexist ethos and environment.

Slogans and images that are sexually suggestive, or that encourage the sexual objectification of girls and women, are contrary to the promotion of gender equality. Research shows that when people have cues to see others as sexual objects (i.e. sexual objectification) they are more likely to view these other people as less fully ‘human’. Dehumanising somebody makes it easier to treat them badly or with violence. Seeing others as sex objects also correlates with negative judgements of their competence and abilities. So clothing or other items carrying slogans or images that act to sexualise children or adults are entirely inappropriate for a safe school environment that challenges sexism. Your school’s equality policy, and uniform or clothing policy, can make this clear for pupils and parents/carers who may need guidance in view of an increasingly sexualised popular culture.

All staff should be aware of the priority attached to supporting people who have been subject to sexual harassment and taking positive action to deal with the situation.

Some idea about the prevalence of sexual harassment in schools can be obtained by looking at the ‘tip of the iceberg’: school exclusions. Government figures show

that in 2008-09 there were 3,440 fixed period exclusions and 130 expulsions from schools in England for sexual misconduct - anything from explicit graffiti to serious sexual assault, even rape. Primary schools accounted for 240 of the fixed period exclusions and in 20 cases the child responsible was just five years old or younger.

The Gender Equality Duty as set out in the Equality Act 2006 requires schools to promote gender equality, and act to prevent discrimination and sexual harassment. The Equality Act 2010 brings this duty into an integrated Equality Duty and the requirement remains for public authorities to consider the need to eliminate unlawful discrimination, the need to eliminate harassment on the basis of gender, and the advancement of equality of opportunity between men and women. The new Equality Duty will also for the first time put an onus on public authorities to consider the need to foster good relations between men and women.

The National Curriculum requires schools to educate pupils to “challenge discrimination and stereotyping” and Ofsted is evaluating learners’ “understanding of the effects of stereotyping, prejudice, sexism, racism and all forms of discrimination” as well as looking at the educational outcomes of boys and girls within and across their communities. Every school is expected to have a Gender Equality Scheme and Action Plan, or an Integrated Equality Scheme - for which separate guidance is available - and these will help schools to foster a whole-school approach to tackling gender inequality in all its forms.

### 3. The Legal and Policy Framework

“Sexual harassment is often dismissed by those not suffering from it as ‘just a bit of fun’ or ‘a bit of harmless flirting’. In reality, it is a very specific form of sex discrimination and is against the law.”

(Sexual Harassment: *Don’t put up with it*, EHRC, September 2008)

This section provides an overview of relevant legislation and guidance that require local authorities and schools to record and to eliminate discrimination and harassment on the grounds of sex or gender. Further and more detailed information (for example in the event that a claim is to be brought under the law) is available if necessary from a number of sources including the Equality and Human Rights Commission (<http://www.equalityhumanrights.com>).

#### a. Sex Discrimination Act 1975 as amended

This Act (the “SDA”) expressly prohibits harassment on grounds of sex, harassment on grounds of gender reassignment and sexual harassment in employment and education.

'Harassment'	is defined as unwanted conduct which takes place simply because someone is male or female, and has the purpose or effect of violating that person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for her (or him).
'Sexual harassment'	occurs when a person engages in any form of unwanted verbal, non- verbal, or physical conduct of a sexual nature, which has the purpose or effect of violating another person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for her (or him).

The recipient’s own perception of the behaviour (i.e. more so than the perception of the person who is alleged to have been responsible) is particularly given as a basis for determining whether harassment has occurred.

The SDA also makes it unlawful to treat someone less favourably because they have rejected or submitted to harassment.

#### b. Equality Act 2006

This Act came into force in April 2007, imposing a general positive duty on public authorities and those providing services for public authorities, including schools, to actively promote gender equality. The duty requires all public authorities to have due regard to the need to eliminate unlawful discrimination and harassment. This means that policies and action plans need to be in place to prevent harassment as well as to deal with it robustly when it occurs.

### **c. Equality Act 2010**

The Equality Act 2010, coming into force between October 2010 and April 2011, streamlines the previous duties together with new duties into one single Equality Duty. It brings together previous laws including a) and b) above into one piece of legislation. The definitions of harassment - and sexual harassment as a distinct category - remain as defined above at a). The word 'unwanted' in relation to conduct constituting harassment means 'unwelcome' or 'uninvited'. It is not necessary for a person to say that they object to the behaviour for it to be unwanted. Conduct 'related to' the protected characteristic of sex has a broad meaning and includes situations where the person who is on the receiving end of the unwanted behaviour does not have the protected characteristic himself or herself, provided there is a connection between the behaviour and a protected characteristic.

The Equality Act 2010 prohibits schools from harassing staff, prospective pupils, pupils at the school, and (in some limited circumstances) former pupils in relation to the protected characteristics of sex as well as race and disability. Schools are also prohibited from victimising, and treating less favourably, staff or parents or pupils who have made or helped to make a claim or allegation covered by the Equality Act 2010.

### **d. Sexual Offences Act 2003**

The Sexual Offences Act 2003 defines the criminal offence of sexual assault (which can be committed by male or female adults or children) as an act of intentionally touching someone in a sexual way without the consent of the victim. This Act contains numerous other offences from exposure to rape, etc.

### **e. European Legislation**

The EC Code of Practice (1991) on sexual harassment points out that it is a form of sex discrimination and is therefore unlawful under the EC Equal Treatment Directive (1976). The Code recommends that all organizations should provide a clear statement prohibiting sexual harassment and adopt policies and procedures - in which all staff should be trained - guaranteeing prompt and efficient action in the event of harassment.

### **f. Claims of sexual harassment in the courts**

Sexual harassment claims are normally – but not always - brought in the context of workplace harassment between members of staff. They may be pursued under, but are not limited to:

- the Sex Discrimination Act 1975 as amended / the Equality Act 2010 (discrimination)
- the Employment Rights Act 1966 (constructive or unfair dismissal)
- the Health and Safety at Work Act 1974 (duty of care: policies)
- civil law: breach of contract; trespass to the person
- criminal law: assault; sexual assault; false imprisonment
- the Protection from Harassment Act 1997 (stalking)



## **The Local Policy Framework**

### **g. Bristol City Council's Equalities Policy – Equal Opportunities and Anti-Harassment (2008)**

This document states that under the health and safety policy, all staff must prevent and report harassment. All staff are responsible for supporting victims and referring people on to support agencies. Managers are responsible for school children and for monitoring harassment. The City Council has undertaken to collect data on all forms of harassment.

### **h. Bristol Inclusion Standard**

In order to meet the Bristol Inclusion Standard, schools must demonstrate monitoring and swift action against all forms of harassment.

### **i. Bristol Children and Young People's Services Equalities and Educational Inclusion Policy**

This policy states that CYPS and schools should have written procedures for dealing with all types of bullying/harassment, and that all policies should specifically refer to incidents relating to equalities issues. Learners and staff in all settings should be supported to understand issues of bullying/harassment, and to be confident in effectively dealing with it. Learners in all settings should be made aware of their right to complain and the processes and support available to them to do so. The Inclusive Education Policy has the aim that "the number of incidents of bullying and harassment are low or reducing" which requires effective monitoring.

## **The National Policy Framework**

### **j. Every Child Matters**

There are five aims under the Every Child matters agenda:

- Be healthy
- Stay safe
- Enjoy and achieve
- Make a positive contribution
- Achieve economic well-being.

It is not possible for schools to meet the five aims where sexist and sexual harassment are occurring unchallenged. Ofsted's inspection framework requires that schools demonstrate they are dealing effectively with sexual and sexist harassment, as with all other forms of harassment.

**k. Guidance for schools on preventing and responding to sexist, sexual and transphobic bullying - Safe to Learn: Embedding anti-bullying work in schools**

This guidance, produced in 2009, forms part of the 'Safe to Learn' suite of anti-bullying guidance for schools. It underlines the need to recognise that sexist and sexual bullying are commonly underpinned by sexist attitudes. The guidance aims to do two things: firstly, build understanding around sexist, sexual and transphobic bullying of relevance to schools, and secondly provide schools with the information they need to prevent and tackle these forms of bullying. This includes the development of whole school policy and effective practice. The guidance supports school staff in understanding sexist, sexual and transphobic bullying; sets out why schools should act on these issues; outlines strategies to prevent and respond to sexist, sexual and transphobic bullying and identifies other sources of further support and information, including clarifying the role of local authority staff and specialist support for schools.

**l. Ofsted's Guidance on Evaluating Educational Inclusion**

This guidance, for inspectors and schools, specifically states the duties of schools under sex discrimination legislation. Inspectors are asked to make sure that staff deal effectively and rapidly with verbal comments to do with pupils' disabilities, racial background, gender, sexual orientation or appearance. They are instructed to investigate whether trends in incidents and their causes are analysed by the school. They are expected to find out what training and access staff have to external organisations to help them understand and deal effectively with harassment. They are also asked to evaluate how well the school identifies appropriate priorities and targets to reduce instances of inappropriate behaviour including sexist behaviour. The guidance also states that schools are now required to record and monitor incidents of bullying or sexual and racial harassment, and report annually to the governing body and the Local Education Authority on the action taken in respect of these incidents.

**m. DfE White Paper 2010: The Importance of Teaching**

This White Paper outlines the expectation for head teachers to take a strong stand against bullying – particularly prejudice-based racist, sexist and homophobic bullying.

Ofsted inspections are to be focused more strongly on behaviour and safety, including bullying, as one of four key areas of inspection.

**n. HM Government Call to End Violence against Women and Girls**

In November 2010 the Home Office published a cross-government strategic narrative on gender-based violence, with prevention at its core. Challenging the attitudes and behaviours which foster violence against women and girls, and intervening early to prevent it, are key priorities for schools in common with all public authorities.

## 4. Definition of Sexual Harassment

Sexual Harassment can be pronounced with an emphasis on the first syllable: *Ha'rassment* (this is the traditional British pronunciation) or equally with emphasis on the second syllable: *Harass'ment* (the US pronunciation, also widely used in the UK).

Sexual harassment is defined in law as unwanted conduct on the ground of the recipient's sex, or unwanted conduct of a sexual nature, which has the purpose or effect of violating the recipient's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for her (or him).

Sexual harassment is commonly committed by males against females, although it can also happen in other permutations (female to male, female to female, male to male).

Of 273 young people aged 11-19 surveyed by Panorama and Young Voice in 2008, 28 children – over 10% - said they had been forced to do something sexual they did not want to do. One girl in the North West of England said she was forced to perform oral sex on a fellow pupil and one girl said she had been raped.

Over 25% of all respondents thought it was 'ok' or 'mostly ok' to call someone, or be called, a "slag" or "slut".

Sexual harassment may be commonly talked about as persistent sexual attention involving some kind of physical contact. However, while this kind of behaviour can certainly be described as sexual harassment, and may be the form of harassment most commonly reported, it is crucial to understand that the unwanted behaviour does not need to be physical – and does not need to have an overtly sexual element – in order to have the effect of violating someone's dignity, or creating an unpleasant environment, on the ground of their sex. Behaviour that is gender specific is evidence that the reason for the harassment is the sex of the victim.

Examples of sexual harassment based on unwanted conduct of a sexual nature may include, but are not limited to:

- unwelcome sexually explicit comments and name-calling
- wolf whistling
- sexually charged verbal abuse
- making threats or jokes about sexual abuse or rape
- displaying sexually explicit posters, drawing, clothes or badges
- sexual graffiti
- inappropriate sexualised physical contact
- demanding sexual attention in return for favourable treatment
- spreading rumours about sexual behaviour
- unwanted sexual conduct using communications technology (e.g. mobile phones, email)

Examples of sexual harassment based on unwanted conduct on the ground of someone's sex may include, but are not limited, to:

- belittling a woman's ability to do a job traditionally associated with men
- belittling a girl's ability to do work in a subject area seen as a "boys" subject
- mocking someone's subject or career choice
- refusing to work or co-operate with someone because of their gender
- drawing attention to the gender of a person where it is irrelevant
- telling sexist jokes which reinforce negative stereotypes
- circulating material that focuses inappropriately on aspects of a person based on their gender

In law, the perception of the person being harassed is the key to defining an experience as being one of sexual harassment. But sexual harassment is traditionally subject to extremely low levels of reporting – there are many reasons for this the most obvious of which is the everyday prevalence of this kind of behaviour in our culture. Sexist or misogynist ("woman-hating") incidents that go unchallenged or unreported for lack of a willing self-defined victim will reinforce sexist culture and contribute to an environment that is hostile or offensive to female members of the community in general. For this reason they need to be monitored and challenged.

### **Understanding why we need to see sexual harassment as more than bullying that takes a sexual form**

In recent years, there has been significant attention paid to bullying in schools. Notably 'sexual bullying' has been described by some as a particular form of bullying. The kind of behaviour described above can be described as 'sexual bullying' and it has much in common with other forms of bullying behaviour, although it often receives less attention than other forms of bullying. But there are profound problems associated with this approach.

"[to concentrate on bullying] is to shift the discussion of school safety away from a larger civil rights framework (racial and sexual harassment) to one that focuses on, pathologizes, and in some cases, demonizes individual behaviour – a/k/a/ the bully."

(Nan Stein, 2003).

As a recent article in the New Scientist has reported,

"Sexual harassment at school is more than just a special kind of bullying. Taunts and aggression related to sexuality are less common than bullying but have more adverse effects, say researchers who have for the first time compared the two."

(New Scientist, April 2008)

A recent US study compared secondary-age children's experience of bullying and of sexual bullying. Children were asked questions designed to assess effects on self-esteem and physical and mental health, including whether the young people had trouble sleeping, were more prone to substance abuse or spent a lot of time thinking about these incidents. In both males and females, **sexual harassment caused more harm**. Girls and sexual minorities - gays, lesbians and bisexuals - were more likely to be victimised, and were more likely to suffer serious consequences.

“When sexually-based experiences are viewed as bullying and not identified specifically as sexual harassment, problems of victimization that stem from gender or sexuality may be interpreted as private or interpersonal troubles experienced by unfortunate students who are caught up in difficult situations. The fact that most bullies are male, that girls experience more harm than boys from sexual harassment, and that homophobic comments are used routinely (mostly by boys) to humiliate and control others (primarily other boys) loses its critical edge.”

(Gruber & Fineran, 2008).

## 5. The School Policy: Make sure your policy is up to date

Dealing appropriately with sexual harassment is a disciplinary issue, but it is also much more than this. The school's attitude, strategies and procedures in relation to such matters play an important part in the personal, social, emotional, health and citizenship education of pupils.

Schools should have structures and procedures in place to allow everyone - teaching and non-teaching staff, other adults in the schools and pupils - to be able to play a role in tackling sexism and sexual harassment. Head Teachers have a legal duty to take measures to prevent all forms of bullying but schools also have a legal duty to tackle sexual harassment. Schools should have a policy for dealing with sexual harassment which clearly sets out the procedures. This should either be:

- A separate Sexual Harassment Policy; or
- A specific section within another policy, e.g. – Behaviour Policy, Anti-Bullying Policy.

The common forms of sexist discrimination and sexual harassment as set out in this document should be referred to in the school's policies, accompanied by clear recommendations for disciplinary action in each case.

A clear policy and procedures, specific to the school, should be developed in consultation with staff, governors, pupils and parents. Familiarisation with procedures will be needed for all staff, governors, School Meals Supervisory Assistants, administrative staff, parent helpers, playground staff, caretakers and any other adult working/visiting the premises on a regular basis. Regular training is therefore an essential element in the development and implementation of the policies, procedures and practices, and can be provided through the LA Equality Team.

It is also helpful to have a member of the Senior Management Team with designated responsibility for dealing with sexist incidents. This person should then be informed of all incidents, coordinate any investigation, ensure completion of necessary paperwork and any pastoral support.

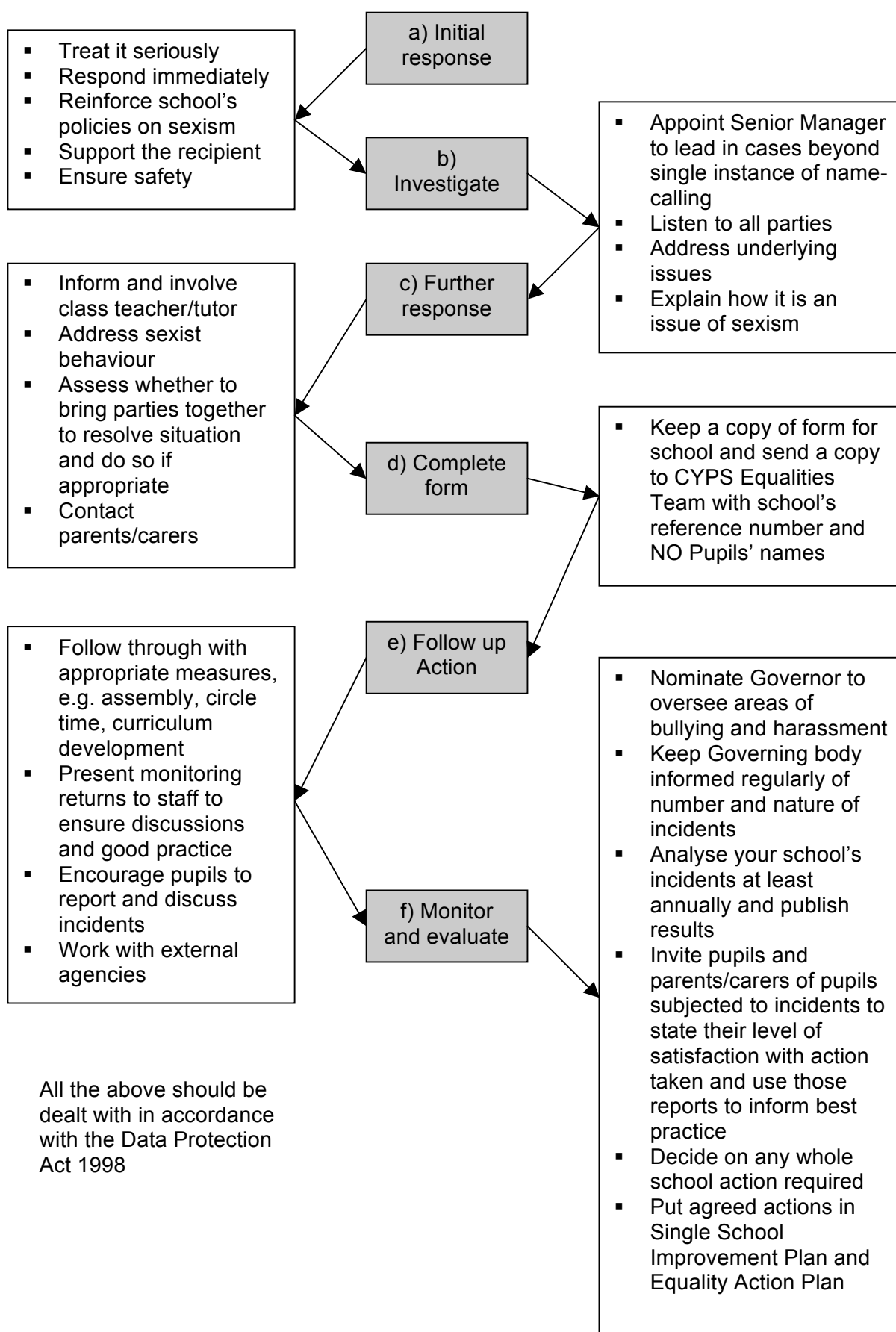
Any policy should cover these areas:

- That all pupils and parents on admission to the school should be specifically informed that sexism and sexual harassment will be treated seriously;
- That all allegations of sexual harassment must be taken seriously and dealt with within a reasonable timescale;
- That all allegations should be investigated and dealt with appropriately and recorded in appropriate detail as accurately as possible;
- That all incidents, however minor they are considered to be, are recorded on an incident form. One copy should be retained by the school and one copy forwarded promptly to the LA Equalities Team;
- That school records should be kept for 24 months;
- That the incident forms should be available for inspection by staff, Governors, LA officers, Ofsted as appropriate on request;

- That records should be analysed annually along with updates and actions and a report should be presented to staff, parents and governors.

In the case of sexist incidents and sexual harassment reported to involve staff, the school will need to ensure that all additional relevant policies (e.g. Equal Opportunities (staff) policies; grievance procedures) have been made available to staff.

## 6. Dealing with Allegations and Incidents





## These pages provide further detail for dealing with allegations and incidents.

'Verbal bullying isn't taken seriously by teachers. If you have some bruises, they might take some notice. '

Girl, Year 8 (DfES report 400: 2003)

When a pupil or observer experiences or reports an incident of sexual harassment or other sexist incident, then:

### A. Initial Response

- Treat the issue seriously.
- Respond immediately.
- Reinforce the school's position on sexual harassment and sexist incidents.
- Focus on the perpetrator's behaviour (rather than the person) in the context of what is unacceptable behaviour and why.
- Connect with and understand the recipient's feelings which may be ambivalent: they may feel that they don't want to 'make a fuss' or be singled out as unable to 'take a joke'. They are referred to throughout this document as 'the recipient' rather than 'the victim' for this reason. Recipients of sexual harassment need to be able to rely on staff to affirm the unacceptability of this behaviour.
- Explain that this behaviour has the effect of creating an intimidating or hostile environment not only for the person it was directed at, but for all people of their gender.
- Support and affirm the person who was subject to the incident, explaining how sexual harassment and sexism work through the stereotyping or belittling of individuals.
- Ensure that the safety of the recipient is secured immediately, including on the way home from school.

### B. Investigate

- Senior Manager to lead in all cases beyond a single instance of name-calling, and in any case where the recipient is clearly distressed.
- Listen to all parties. Be aware that justifications and excuses about what was 'really meant' or whether the recipient 'didn't mind' the behaviour are not relevant to its unacceptability.
- Address underlying issues, e.g. an interpersonal dispute or other matter where sexist or sexualised bullying are being used as a means to hurt one party. In such a case the original issue should be sorted out as well as the use of the unacceptable words or behaviour that made it a sexist incident.
- Make sure issues about sexism are covered – do not just treat incidents as a case of simple bullying – be able to explain why it is a sexist incident when you judge it to be such.

- Be aware of multiple layers of discrimination, e.g. disability or ethnicity of the recipient in addition to their gender.
- If it is not judged to be sexual harassment or a sexist incident this would need to be explained to the parties involved, though the incident might still remain as another kind of infringement of the school's behaviour policy which needs a response. Remember that behaviour that is gender specific is evidence that the reason for the incident is the sex of the recipient.

### **C. Further Response**

- Inform (a standard note can be useful) and involve tutors/class teachers.
- Follow through with both recipient(s) and perpetrator(s).
- Address the perpetrator's behaviour, correct sexist assumptions and address sexist stereotypes. Be sensitive to the potential consequences - for recipients - of action taken with the perpetrator. Remember that sanctions should be applied in order to impress clearly the unacceptability of the behaviour.
- Reinforce the school's position and policies on sexism.
- It may be useful to bring both parties together and give them a chance to be involved in resolving the situation. This will need to be handled sensitively. However it may well be inappropriate to do so where further distress may be caused, where a perpetrator is unrepentant or where the recipient of the abuse does not feel able to articulate their feelings about the incident.
- It will normally be appropriate to contact parents/carers (or Social Services in the case of "children looked after") both of recipients as well as perpetrators – a procedure for reporting should be in place. This could involve a letter appropriate to the situation or a phone call with an invitation into school (if felt to be appropriate). It will be appropriate in a number of cases to discuss incidents with parents and to encourage them to reinforce the school's anti-sexist practices at home. Where a decision is taken not to inform parents the reason for this decision will need to be logged.
- Sexual assault is a criminal offence and should be reported to the police. While anyone is entitled to report a crime to the police, judgment may need to be exercised as to whether a report is made immediately or only after consultation with the recipient / their parents or carers. The nature and relative seriousness of the incident may be relevant.
- Where safeguarding is considered to be an issue, access the referral routes for engaging with multi-agency specialist partners.
- Recognise the rights of recipients to involve an adult or authority or agency external to the school to support their position. In any case, victims of assault and harassment have a right to refer cases to the police if their parents/carers so wish. All parties have a right to appeal to the governing body.

### **D. Complete the Sexist Incident (Sexual Harassment) Reporting Form**

- Complete the Sexist Incident (Sexual Harassment) Reporting Form and retain one copy for the school with names of recipients and perpetrators and send a copy (hard copy or email) to the LA Equality Team with a reference number and no names (see Appendix 1).

- Where low-level sexist behaviour occurs in a context where it is not the subject of a complaint, it may be appropriate to complete, as an alternative, the Sexist Incident Log (see Section 9 and Appendix 2).

## **E. Monitoring and Evaluation**

- Follow through with appropriate measures to reinforce the school's position with individuals/group/class/school via assembly, circle time, tutor period and curriculum.
- Present monitoring returns to staff to ensure regular discussion and development of good practice.
- Continue to encourage pupils to report and discuss sexual harassment and sexist incidents and how they should respond.
- Use existing means of involving pupils, such as a pupil post box or student council.
- Work with other agencies to promote understanding.
- Nominate a governor to have oversight of areas of bullying and harassment.
- Governing body should be informed regularly of incidents and actions taken to deal with them as a part of the head teacher's regular report.
- Invite pupils / parents / carers of pupils subjected to incidents to state their level of satisfaction with action taken and use these reports to inform best practice.

**N.B.** Given that there may sometimes be ongoing exclusion, disciplinary, grievance and legal proceedings in connection with incidents, names of individuals should not be used in any monitoring reports. All of the above should be dealt with in accordance with Data Protection Act 1998 and confidentiality should be maintained at all times.

## 7. Monitoring and Recording

An important aspect of actions to address sexism is the monitoring of sexist incidents and sexual harassment. It is an LA requirement that schools record all sexual harassment and sexist incidents on a Sexist Incident (Sexual Harassment) Reporting Form (see Appendix 1; also available at

<http://intranet.bristol-cyps.org.uk/services/eit/incidents.html>

This can be used for reporting to the LA and also for internal use. If schools currently use a book to record incidents, this can be replaced by a loose-leaf folder with completed forms. It is important that all schools record and monitor all sexist incidents and sexual harassment for the following reasons: -

- a) To address the presence of casual sexism as well as unlawful sex discrimination in school environments and commit to taking sexist behaviour as seriously as other forms of discrimination and abuse;
- b) To measure the effectiveness of actions taken in responding to sexual harassment;
- c) To obtain a full picture of the frequency, trends and nature of sexist incidents & sexual harassment and to gather intelligence to inform preventative measures;
- d) To target resources to combat sexual bullying and sexism;
- e) To identify repeat perpetrators or recipients of sexual harassment;
- f) To provide schools and the LA with a statistical base for analysis of sexist incidents and inform future action planning with schools.

The LA does not intend to publish data by schools' name and the individual names of schools will not be identified in any documentation.

Consistency in recording and monitoring of sexist incidents and sexual harassment in schools will be a significant element of fulfilling the requirements of the Equality Duties.

As a part of their duty to eliminate discrimination and harassment, and to promote gender equality, schools are also encouraged to monitor sexual harassment and related incidents using regular surveys of pupils and staff.

It is recognised that sexist / sexualised verbal abuse and name-calling are often extremely prevalent within some school environments and efforts have been made to ensure that the monitoring of these incidents can be undertaken without imposing an unrealistic time burden on staff.

## 8. Supporting recipients of sexual harassment and related incidents

- Schools should be conscious that requests for confidentiality should be respected unless there are Child Protection issues, but also that parents and carers of pupils may feel they have a right to be involved in dealing with these incidents and will need to be involved in many cases. There should be sensitivity to the wishes of the recipient and the recipient's family, who should be given clear opportunities to express their views.
- There may be issues for some pupils (perpetrators and recipients) whose family or other cultural background may not reflect the school and LA's commitment to gender equality and against sex discrimination. This commitment should not be compromised.
- Recipients of sexual harassment and, where appropriate, their families should have a named member of the school staff as a point of contact for advice and support.
- An alternative source of support should be identified either amongst staff or an external agency in case the designated member of staff is not available or other support is preferred.
- If English is not the first language for the recipient, the perpetrator, or their families, then schools must arrange for an interpreter to be present when meeting with them. Information must be made accessible.
- Recipients and, where appropriate their parents/carers, should be kept fully informed of what action the school has taken or will be taking, to deal with the incident/perpetrator; reassuring them that the school will take steps to prevent any repetition.
- Recipients and their parents/carers should be advised of their rights to contact the police if they think a criminal offence has occurred.
- Information should be provided about external agencies who can offer help and support (see Appendix 3).

Schools should develop a whole school response to incidents if particular groups of pupils are involved.

Nature of Incident (observed or alleged / reported)	Complete reporting form	Challenge the behaviour and explain it will not be tolerated	Explain how behaviour creates hostile / intimidating environment	Senior manager to lead	Inform & involve class teachers or tutors	Take appropriate disciplinary action within school policy	Contact parents /carers of recipient (if considered and not done, log why not)	Contact parents /carers of perpetrator (if considered and not done, log why not)	Contact CYPs Equalities Team or other agency for advice	Contact police	Head teacher to inform governing body / whole school action
Name-calling / sexual comment / wolf whistling (single instance)	[LOG]	●	●								
Persistent comment / name calling / wolf whistling	●	●	●	●		●	○	○			
Sexually charged verbal abuse	●	●	●	●	●	●	○	○			
Joking about sexual assault or rape	●	●	●	●	●	●	○	○			
Displaying explicit or provocative posters/ drawings/ slogans/ badges/ materials (to be immediately removed)	●	●	●	●	●	●		○			○
Sexual Threat	●	●	●	●	●	●	●	●	●	○	○
Spreading rumours	●	●	●	●	●	●	○	○			○
Graffiti (to be immediately removed)	●	●	●	●	○	○	○	○			○
Inappropriate sexualised physical contact	●	●	●	●	●	●	●	●	○	○	○
Sexual Assault or Rape	●	●		●	●	●	●	●	●	●	●

Demanding sexual attention in return for particular treatment	●	●	●	●	●	●	○	●	○	○	○
Circulating unwelcome sexualised text or pictures	●	●	●	●	●		○	●		○	○
General sexist/discriminatory comment	●	●	●		○	○		○			
Refusal to work or co-operate with someone on grounds of gender	●	●	●	○	●	○	○	●			
Belittling ability to do work on grounds of gender	●	●	●	○	●	○	○	○			
Drawing attention to someone's gender where irrelevant (single instance)	[LOG]	●	●		○			○			
Telling sexist jokes (single instance)	[LOG]	●	●		○	○		○			

● take action

○ consider taking the action

These are guidelines for minimum action and should be read in conjunction with more detailed sections of this guidance.

CYPS Equalities Team are always available for advice and guidance.

Where behaviour is persistent the requirement for each action is more acute.

Please also refer to sections on incidents involving staff, and involving young children.

## 10. LA Monitoring

The purpose of returning a copy of the form is to enable the LA to collect cumulative information on the nature and extent of sexist incidents and sexual harassment in schools, and therefore the form does not seek to identify individual recipients or perpetrators. All data collected by schools and sent to the LA will remain confidential. The information will be analysed to help the Authority to identify areas of concern, to contribute to multi-agency monitoring and to assist in the development of the LA and school policies and procedures.

**It is essential that report forms are completed, with a copy returned promptly following each incident to enable comprehensive records and monitoring to be maintained by the Authority.**

The LA will produce statistics and will give feedback on overall data to schools on an annual basis. The LA does not intend to publish data by schools' name and the individual names of schools will not be identified in any documentation used to assist with initiatives being undertaken.



## 11. Incidents Involving Staff

An allegation of sexist behaviour or sexual harassment on the part of any member of the teaching or support staff is a serious matter which is the responsibility of the governing body to deal with. It may lead to a Tribunal. Harassment or discrimination on the grounds of race, gender, sexuality or disability may be regarded as gross misconduct under the LA's model disciplinary procedure (2005). If the allegation is proven, it is likely to lead to serious disciplinary action including the possibility of dismissal.

### Against a pupil/student

Allegations of sexist behaviour or sexual harassment perpetrated by a member of staff against a pupil should be raised by the pupil or his/her parents/carers under the school's complaints procedure. Or if witnessed by another person (i.e. member of staff, other pupil etc.). A complaint against a member of staff which includes reference to sexual harassment should be considered a child protection matter.

The following are examples of ill-treatment that would constitute sexual abuse:

- Any form of sexual assault (includes attempts);
- Abuse of a position of trust;
- Possession of indecent and pseudo indecent photographs of children (includes computer images);
- Showing indecent or pornographic material to children;
- Inappropriate touching, **language**, or **behaviour** toward any child or pupil for sexual purposes;
- Inappropriate use of text messaging, e-mail or other IT toward any child or pupil for sexual purposes.

Any complaint which includes one or more of the above should always be responded to as a child protection allegation in the first instance. Advice should be sought as to whether an allegation or complaint constitutes a child protection matter (from Children's Social Care, LA HR advisers and/or the police). In instances where this is the case a referral should always be made to Children's Social Care.

Complaints will normally be addressed to the head teacher unless there is an issue with the head teacher's behaviour or handling of a situation, when complaints will be addressed to the chair of governors. A Sexist Incident (Sexual Harassment) Reporting form should be completed and sent to the CYPS Equalities Team. Where appropriate, allegations and complaints will also be referred to Children's Social Care. This procedure should also be followed for incidents involving adults engaged with the school but not employed by it. Advice on incidents involving staff is available from the LA's HR Advisors and the CYPS Child Protection Adviser for Schools.

## **Against another member of staff**

Allegations of sexual harassment by a member of staff against another member of staff should be addressed through the School Employee Grievance Procedure (governing bodies should have formally adopted the model procedure). Support should be available from managers or trade union representatives as well as the LA's HR Advisors.

In all cases, the allegation should be investigated by the head teacher (or someone nominated by the head teacher), or, if the allegation is about the head teacher, by nominated governor(s).

On completion of the investigation, the investigating officer should make their recommendation to the head teacher/chair of governors. The recommendation could include taking formal disciplinary action or the use of other school procedures.

Where members of staff are subjected to sexual harassment by pupils they should be offered appropriate support, including the services of Occupational Health and Welfare. A Sexist Incident (Sexual Harassment) Reporting form should be completed and sent to the CYPs Equalities Team. In cases where the member of staff finds the harassment is of a violent nature, it can also be addressed under the Violence and Aggression / Unacceptable Behaviour Policies. It is vitally important that sexual harassment of teachers by pupils is taken extremely seriously. A member of staff who has been harassed by a pupil will need support from their manager.

“Responses from over 5,000 teachers demonstrated that women teachers are over three times as likely as male teachers to suffer from sexist abuse at work. In recent years the NASUWT has dealt regularly with cases where women teachers have had pupils using mobile phones to photograph their cleavage, making sexual remarks to them, posting comments of a sexually explicit nature on the internet and on rare occasions threatening them with sexual assault”

*NASUWT, 2009.*

## 12. Incidents Involving Young Children

Incidents of sexist behaviour and sexual harassment involving young children need to be considered carefully and handled thoughtfully. Incidents involving young children do happen, and teachers need to make a clear response to them and work to prevent their occurrence. Research shows that children are aware of sex or gender differences from a very young age. They attach values to these differences in line with the judgements prevalent in the home, family, community and society. Young children may also seek to demonstrate how they 'belong' to a particular gender by enthusiastically engaging in stereotypical behaviours or by distancing themselves from association with the 'opposite' sex.

Children may use derogatory sexist terms and behave in ways which are sexist, i.e. refusing to sit next to or refusing to work or co-operate with other children of the 'opposite' sex. (It is of course common for boys to choose mainly to play with boys and girls with girls, but a positive refusal, amounting to hostility and perhaps accompanied by hostile language, is not acceptable behaviour). Children may repeat sexist or gender stereotypical comments that they have heard at home or elsewhere. This kind of behaviour needs to be challenged, both in order to protect the feelings of other children and also to help young children develop an understanding that their actions, abilities, potential and personality are not 'fixed' – and nor should they be constrained - by virtue of gender. In particular, the school may need to be very clear with parents or carers that sex discrimination in the school setting is harmful and unacceptable.

The school must make it clear that all forms of sexist behaviour are unacceptable. Sexist name-calling should be recorded and followed through in line with guidance.

All school staff are responsible for enabling children to:

- be able to talk about gender difference and explore ideas about gender roles while learning that there is more variation between individuals than between boys and girls, men and women;
- be equipped with the language and confidence to recognise sexism and recognise that it is unacceptable;
- be able to talk about sexist incidents;
- Develop the skills to challenge and take appropriate action in the face of sexist incidents and sexual harassment.

Sexualised behaviour demonstrated by very young children is a danger signal that should lead to a concern that a child may have been sexually abused. Young children under 5 who discuss sexual acts or use sexually explicit language, initiate physical sexual contact with other children or show adult-like sexual behaviour or knowledge must be assumed to be at risk and Social Services should be alerted.

## Appendix 1: Sexist Incident (Sexual Harassment) Reporting Form

(One copy to be sent to LA following each incident and one copy to be retained by the school). Please complete all sections by ticking the relevant box and providing details where requested.

### Section A

Name of school:	
School Reference Number:	
CYPS Reference Number (LA use only):	
Name of Recipient (for school only):	
Name of Alleged Perpetrator (for school only):	

Date reported:		Date of incident:	
Reported to:		Reported by:	

Schools are not required to return the name of the recipient/alleged perpetrator to the LA. You may wish to create a unique reference number for each incident so that records can be cross-referenced.

### Section B: Nature of Incident

Please tick all that apply:-

a) Sexual comment / name-calling	
b) Sexually charged verbal abuse	
c) Joking about sexual assault or rape	
d) Displaying explicit or provocative materials/badges/slogans	
e) Sexual threat	
f) Spreading rumours	
g) Graffiti	
h) Inappropriate sexualised physical contact	
i) Sexual assault or rape	
j) Demanding sexual attention in return for particular treatment	
k) Circulating unwelcome sexualised text or pictures	
l) General sexist/discriminatory comment	
m) Refusal to work, play or co-operate with someone on grounds of gender	
n) Other (please specify)	

Brief description of the incident

**Section C: Details of Recipient**

Gender:	Female	<input type="checkbox"/>	Male	<input type="checkbox"/>
	Year Group	<input type="checkbox"/>	Age	<input type="checkbox"/>
SEN/Disability:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Repeat Victim:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Previous Incidents Reported:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

**Ethnic Origin**

White  White British  White Irish  White Other   
 Traveller of European   
 Irish Heritage  Gypsy/Roma

Any Other White Background  (please specify)

**Mixed Background**

White/Black Caribbean  White/Black African   
 White/Asian  White/Chinese

Any Other Mixed Background  (please specify)

**Asian or Asian British**

Indian  Pakistani   
 Bangladeshi  South East Asian   
 Asian African

Any Other Asian Background  (please specify)

**Black or Black British**

Black Caribbean  Black African   
 Somali

Any Other Black Background  (please specify)

**Chinese or Chinese British**

Chinese  Chinese British

**Any Other Ethnic Origin**

(please specify)

**Section D: Details of Alleged Perpetrator**

Gender:	Female	<input type="checkbox"/>	Male	<input type="checkbox"/>
	Year Group	<input type="checkbox"/>	Age	<input type="checkbox"/>
SEN/Disability:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Repeat Alleged Perpetrator	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Previous Incidents Reported:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

**Ethnic Origin**

White  White British  White Irish  White Other   
 Traveller of European   
 Irish Heritage  Gypsy/Roma   
 Any Other White Background  (please specify)

**Mixed Background**

White/Black Caribbean  White/Black African  
 White/Chinese  
 White/Asian  
 Any Other Mixed Background  (please specify)

**Asian or Asian British**

Indian  Pakistani  
 Bangladeshi  South East Asian  
 Asian African  
 Any Other Asian Background  (please specify)

**Black or Black British**

Black Caribbean  Black African  
 Somali  
 Any Other Black Background  (please specify)

**Chinese or Chinese British**

Chinese  Chinese British

**Any Other Ethnic Origin**

(please specify)

**Section E: Location of Incident**

Please tick as appropriate

Hall  Toilets  Corridor  
 Playground  Classroom  To/from school  
 Other (please specify)

**Section F: Nature of Action/Support for Victim**

Please tick as appropriate

Parental involvement  On going support/monitoring from staff   
 Discussed the incident with  Medical treatment   
 peers/class/school  
 Referral to other agency:  Police  Education Welfare Service   
 Children's Social Care  Other  (Please Specify)

**Section G: Nature of Action Taken Against the Alleged Perpetrator**

Please tick as appropriate

Parental involvement  On going support/monitoring from staff   
 Discussed the incident with peers/class/school  Medical treatment

Referral to other agency:  Police  Education Welfare Service   
 Children's Social Care  Other  (Please Specify)

**Section H: Whole School Action**

Please tick as appropriate

Policy Change (please give details)	
Staff Training (please give details)	
Preventative work with pupils (please give details)	
Any other whole school action (please give details)	

**Section I**

Name and designation of teaching completing this form:

\_\_\_\_\_ (please print)

Signed \_\_\_\_\_ Date: \_\_\_\_\_

Please complete this form, keep a copy for the school and send a copy to:

CYPS Equalities and Inclusion Team  
 Woodward Community Resource Centre  
 Alexandra Park  
 Fishponds  
 Bristol  
 BS16 2BG Fax: 0117 3533301

Please retain a copy for school records

or download from the Intranet at: [www.education.bcc.lan/services/eit/incidents.html](http://www.education.bcc.lan/services/eit/incidents.html)  
 save in Word and email to [ellequalities.team@bristol.gov.uk](mailto:ellequalities.team@bristol.gov.uk)

## Appendix 2: Single Sexist Incident Log

Staff member's log of single instances of sexist incidents not escalated to LA reporting form.

Examples: isolated incidents of name-calling, wolf-whistling, telling sexist jokes, drawing attention to someone's gender where it is irrelevant.

NB each of these behaviours can in fact meet the definition of sexual harassment. This form has been designed in recognition of the prevalence of casual sexism in school environments and the burden on teachers of capturing every incident at length. This form is to be used only where there has been no complaint from the recipient and where the judgement of the teacher or staff member is that the incident should not be escalated to a full report. Teachers should send completed pages to the school's central records when full or at the end of term. It is assumed that, in accordance with guidelines, appropriate action has been taken for each incident. If in any doubt, complete the Sexist Incident (Sexual Harassment) Reporting Form.

### Section A

Name of school:

Name of Staff Member


### Section B: Nature of Incident

Date	Time	Location	gender of perpetrator	gender of recipient	Words or action used



## **Appendix 3: Where to go for support**

The first point of contact on issues relating to sexist incidents and sexual harassment should be:

### **Equalities and Inclusion Team**

Bristol City Council

Woodward Community Resource Centre

Alexandra Park

Fishponds

Bristol BS16 2BG

Tel: 0117 353 3308

Fax: 0117 353 3301

Email: [susan.coombes@bristol.gov.uk](mailto:susan.coombes@bristol.gov.uk)

Admin:

Tel: 0117 353 3303/4

Fax: 0117 353 3301

Email: [ellequalities.team@bristol.gov.uk](mailto:ellequalities.team@bristol.gov.uk)

## **Other useful Bristol City Council Services**

### **Equalities and Community Cohesion Team**

Council House

College Green

Bristol

BS1 5TR

Tel: 0117 922 2329

Fax: 0117 922 2392

Email: [equalities.team@bristol.gov.uk](mailto:equalities.team@bristol.gov.uk)

### **Behaviour Support Service**

Orchard House

c/o Hengrove School

Petherton Gardens

Hengrove

Bristol BS14 9BU  
Tel: 0117 903 1670  
Fax: 0117 903 1684  
Email: [anne.gurner@bristol.gov.uk](mailto:anne.gurner@bristol.gov.uk)

### **Young People's Service**

Sefton Park Youth Centre  
Ashley Down Road  
Bristol BS7 9BG  
Tel: 0117 377 3673  
Fax: 0117 377 3674  
Email: [stuart.smith@bristol.gov.uk](mailto:stuart.smith@bristol.gov.uk)

### **Social Services and Health**

Service Quality Manager  
PO Box 30  
Amelia Court  
Pipe Lane  
Bristol  
BS99 7NB  
Tel: 0117 903 7645  
Fax: 0117 903 7841  
Email: [ian.tenant@bristol.gov.uk](mailto:ian.tenant@bristol.gov.uk)

## **Enforcement Agencies**

### **Police**

Avon and Somerset Headquarters,  
Valley Road,  
Portishead  
To report a crime: 0845 456 7000

### **Equalities and Human Rights Commission**

The EHRC works to eliminate discrimination, reduce inequality, protect human rights and to build good relations, ensuring that everyone has a fair chance to participate in society.

0845 604 6610 - Helpline main number

[info@equalityhumanrights.com](mailto:info@equalityhumanrights.com)

## For Children & Young People

### **Childline**

Information, help and support for children

Helpline: 0800 11111

Website: [www.childline.org.uk](http://www.childline.org.uk)

### **Connexions**

Confidential advice, support and information for 13-19 year olds

Tel: 080 800 13 2 19

Text: 07766 4 13 2 19

Web: <http://www.connexions.gov.uk/>

### **Sexual Assault Referral Centre (The Bridge)**

An integrated, comprehensive, sexual assault support service for men, women and children in the Avon and Somerset area.

2nd Floor

Central Health Clinic

Tower Hill

Bristol

BS2 0JD

Tel: 0117 3426999

[www.turntothebridge.org](http://www.turntothebridge.org)

## For Parents

### **Advisory Centre for Education (ACE)**

The Advisory Centre for Education (ACE) is an independent registered charity, which offers information about state education in England and Wales for parents of school age children.

They offer free telephone advice on many subjects like exclusion from school, bullying, special educational needs and school admission appeals.

General advice line (Mon-Fri 2-5pm): 0808 800 5793

Exclusion information line (24hr answer phone): 020 7704 9822

Web: <http://www.ace-ed.org.uk>

## **For Teachers**

### **National Union of Teachers**

Education and Equal Opportunities Department

020 7388 61914

[www.teachers.org.uk](http://www.teachers.org.uk)

### **Association of Teachers and Lecturers**

020 7930 6441

<http://www.atl.org.uk/>

### **National Association of Schoolmasters Union of Women Teachers**

01392 822500

[www.nasuwts.org.uk](http://www.nasuwts.org.uk)

### **Sexual Assault Referral Centre (The Bridge)**

An integrated, comprehensive, sexual assault support service for men, women and children in the Avon and Somerset area.

2nd Floor

Central Health Clinic

Tower Hill

Bristol

BS2 0JD

Tel: 0117 3426999

[www.turntothebridge.org](http://www.turntothebridge.org)

## Appendix 4: Useful Websites and Resources

### ***Bristol School Library Service***

Getting appropriate resources into your schools does not have to be expensive. Bristol School Library Service has Resource Boxes available delivered to your school, which can be made up to suit the age of the children and the focus of the topic

Cost £30 for a new term.

Contact [bristolschool.libraryservice@bristol.gov.uk](mailto:bristolschool.libraryservice@bristol.gov.uk) Tel: 0117 903 8534.

### **Anti-bullying Alliance**

The Alliance bring together more than 60 national organisations to reduce bullying and create safer environments in which children and young people can live, grow, play and learn

[www.anti-bullyingalliance.org](http://www.anti-bullyingalliance.org)

### **Beat Bullying**

Beat Bullying aims to reduce and prevent the incidence and impact of all kinds of bullying between young people. They produce campaign packs, toolkits and interactive resources.

<http://www.beatbullying.org/>

### **Womankind Worldwide**

Womankind Worldwide is working with schools across the UK to develop a shared understanding of what sexual bullying is and to change the school environment to challenge sexual bullying. They are working with young people and teachers to develop whole-school strategies to stop sexual bullying.

<http://www.womankind.org.uk/stop-sexual-bullying.html>

## Appendix 5: References and Acknowledgements

This guidance document was written in 2009 and updated in 2011 by Helen Mott for Bristol City Council. It draws on Bristol's existing guidance for dealing with racist, disablist and homophobic harassment. Special thanks go to Bristol Fawcett, Moira MacDonald, Maria Baños Smith, Finn Mackay and Mary-Ann Stephenson for their assistance and advice. Documents consulted in the development of this guidance include:

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