The NASUWT welcomes the opportunity to submit evidence to the Women and Equalities Committee consultation on Sexual Harassment in the Workplace.

The NASUWT’s submission sets out the Union’s views on the key issues identified by the Committee in the terms of reference for the inquiry. The NASUWT’s evidence is informed directly by serving teacher and headteacher members and by the Union’s individual and collective casework.

The NASUWT is the teachers’ union, representing teachers and headteachers across the UK.

Executive Summary

1. Effective strategies to address and deal with sexual harassment require concerted action across all spheres of society. Schools can make a vital contribution in relation to educating, safeguarding and creating a climate in which all staff and pupils feel safe and are treated with respect.

2. The growing sexualisation of young people and its links to sexual harassment not only shatters the lives of all victims (male and female) but can also prevent the formation of healthy relationships.

3. The NASUWT has evidence that strongly suggests that sexual harassment in schools of teachers and pupils is commonplace and that the majority of incidents remain largely unchecked.

4. There is an urgent need for a whole school approach with regards to educating pupils and staff about gender equality and the lasting, devastating impact sexual harassment can have on its victims.

5. The NASUWT asserts that teachers’ lives continue to be blighted by regular incidents of sexual harassment and that this often occurs
through the abuse of social media by both pupils and parents. This is having a detrimental impact on the mental health and wellbeing of teachers.

6. This is especially apparent in workplaces that fail to take incidents of sexual harassment seriously. There are too many incidents where sexual harassment is dismissed as ‘banter’ or ‘just a joke’ by employers. A lack of confidence from teachers with regards to employers dealing appropriately with such incidents has led to woeful under-reporting, and therefore, there is a skewed picture of the extent of sexual harassment in schools throughout the UK.

7. Effective training for all school staff, leaders and Governors on dealing with sexual harassment is urgently required.

8. There has been a shift in public and media attitudes towards sexual harassment but there is a danger that the advantages that have been secured could easily be lost once the celebrity endorsements end.

9. It is important that policy-makers understand the link between sexual harassment and sexual violence, and that not dealing with it effectively is merely storing up issues for the future.

10. Reported sexual harassment is on the increase, yet the NASUWT believes that the majority of cases remain unreported for a variety of reasons.

11. The majority of victims of sexual harassment in the workplace are female, with the majority of perpetrators being male line managers or male colleagues.
12. The NASUWT would disagree with the assumption that education has one of the lowest rates of sexual harassment in the workplace given the issue of under-reporting.

13. Women face a ‘triple whammy’ in terms of reporting cases of sexual harassment. Women, and particularly young women, face problems with relationships at work, damaged career prospects, and a belief that they will not be taken seriously and feeling embarrassed.

14. The NASUWT is concerned at the huge increase in online sexual harassment, which impacts negatively on an individual’s mental wellbeing. Teachers in schools are as likely to be victims of online sexual harassment as pupils.

15. While pupils’ bullying tends to be perpetuated by their male peers, sexual bullying of teachers, is perpetuated by colleagues, pupils and parents.

16. The curriculum has a huge part to play with regards to tackling the issue of sexual harassment in schools.

17. Personal, Social and Health Education (P.H.S.E.) and Sex and Relationships Education (SRE) are useful tools for issues of sexual harassment to be addressed within the context of a coherent National Curriculum that allows for important links between different subjects to be drawn.

18. The NASUWT believes that inspection reports should be monitored to ensure that inspectors report on a school’s effectiveness in tackling and preventing sexual harassment of staff and pupils.
19. Employers play a vital role in establishing the culture of workplaces and in challenging and dealing effectively with incidents of sexual harassment.

20. The NASUWT believe there should be stronger legislation on sexualised harassment in the workplace, with larger financial penalties. Only then will employers take sexual harassment seriously and deal with it effectively.

Introduction

1. The NASUWT’s submission focuses on the key themes highlighted within the inquiry:

- how widespread sexual harassment in the workplace is, and whether this has increased or decreased over time;
- who experiences sexual harassment in the workplace, who perpetrates it and what the impact is on different groups;
- actions that the Government and employers should be taking to change workplace culture to prevent sexual harassment, give people more confidence to report sexual harassment, and make this issue a higher priority for employers;
- how workers can be better protected from sexual harassment by clients, customers and other third parties;
- the effectiveness and accessibility of tribunals and other legal means of redress and what can be done to improve those processes;
- the advantages and disadvantages of using non-disclosure agreements in sexual harassment cases, including how appropriate uses of such agreements might be tackled.

2. There has been a shift in public and media attitudes towards sexual harassment over the last 12 months. The onset of the Harvey Weinstein revelations have helped to raise the profile of sexual harassment and force the issue out into the open. Added media interest has fuelled the debate
and it could be concluded that finally sexual harassment is being given the high profile it deserves. However, there is a danger that once the furore ends, the issue will once more become unchallenged.

3. A recent survey conducted as a result of the Harvey Weinstein cover-up suggests that as many as half of all women and a fifth of all men have suffered workplace sexual harassment\textsuperscript{1} although it is generally perceived to be a female only occurrence.

4. It would be easy to think that women have achieved gender equality. They have not. Globally, negative attitudes towards all minority groups have continued unabated, fuelled by a media rhetoric that is dangerous in the extreme. Frequent revelations in the media, detailing such events as ‘men-only’ parties, merely reinforce the stereotypical view of women as ‘sex objects’ rather than human beings.

5. Those who object to the sexist portrayal of women in the media are often branded ‘killjoys’ or worse. In the film industry, women are five times more likely to strip down to ‘sexy clothing’ than men. Women who object to the over-sexualisation of female celebrities are told ‘it’s a choice’. Women are told that modern ‘equality’ means career girls can ‘have their cake and eat it’\textsuperscript{2}, yet there is scant evidence to support this.

6. The NASUWT asserts that sexual harassment in schools is having a profound impact on the day-to-day lives of pupils and staff in schools throughout the UK.

7. Tackling sexual harassment in schools has been of growing concern to the NASUWT for many years. The issue has been part of our anti-bullying/harassment work for over a decade, on which the NASUWT has lobbied numerous Governments – working alongside organisations such as

\textsuperscript{1} ComRes poll for BBC Radio 5 Live
\textsuperscript{2} The Everyday Sexism project: everyday sexism.com
as the Anti-Bullying Alliance, Childnet International, Stonewall and other organisations.

8. The NASUWT believes that sexual harassment and its link to violence against women must be recognised, understood and taken seriously in schools. Bullying is too often dismissed as ‘part of growing up’ or just ‘teasing and joking’.

9. The Fixers report commissioned by the Women and Equalities Committee\(^3\), confirms that sexualised behaviour has become normalised in schools. Reports from the young people taking part in the survey that they ‘were under massive pressure to have sex and behave in a sexualised way’ from as young as 12 years of age is of great concern to the NASUWT. This is an issue that has been raised by the Union with successive Governments over a number of years.

10. In a response to the *Bailey review of the Commercialisation and Sexualisation of Childhood* in 2011, the NASUWT expressed concern at the growing sexualisation of young people and its links to violence against women and provided evidence that sexual harassment of girls is taking place at an increasingly early age. The Union’s submission noted that sexualisation of girls is not just shattering the lives of girls and women but is also preventing boys and young men from relating to girls and women as human beings and peers, and from forming healthy relationships. The NASUWT called on the Government for effective whole school strategies for educating school pupils about gender equality and the impact of violence against women and girls within a consistent equalities framework.

**How widespread is sexual harassment in the workplace and has it increased or decreased over time?**

\(^3\) Fixers Investigates: *The trouble with sex in schools* (2015)
11. NASUWT casework figures would suggest that incidents of sexual harassment are on the increase. However, it is widely believed that the majority of cases of sexual harassment remain unreported.

12. With the advancement of social media, within a generation, the nature and number of incidents of sexual harassment have increased to such an extent that it has been almost impossible for schools to keep it in check.

13. Pupils’ ‘24/7’ exposure to social media has provided opportunities that simply were not accessible a generation ago, but now provide another platform from which to bully and manipulate both pupils and staff, often anonymously.

14. Since 2010, the UK education landscape has undergone excessive reforms, including a radical fragmentation of its schools system and deregulation process. Curriculum reform has been introduced at a breathtaking pace with insufficient time and support for teachers. Cuts to public sector budgets and local services, academisation and the serious reduction in the role of local authorities have all played a part. The NASUWT believes that, collectively, these factors have significantly hindered the ability to provide and to ensure schools have the necessary support, training and funding required to address the growing problem of sexual harassment in schools and to ensure that there is a consistency of approach.

15. The NASUWT has collated surveys and casework reports from teachers who have witnessed young girls being pressured into sexualised behaviour, particularly through the use of social media and mobile phones. Teachers regularly hear girls referred to as ‘sluts’ or ‘slags’ or witness unwanted sexual touching, and when they attempt to tackle and report these incidents, many report that they are faced with disbelief or find their concerns trivialised as pupil-to-pupil ‘banter’. These teachers then find themselves isolated and unsupported by management.
16. There is a very real ‘push-back’ from some schools on reporting and dealing with incidences of sexual harassment. Instead of receiving acknowledgement for addressing the issue, schools fear being criticised for excluding pupils who perpetuate this behaviour. In a climate where Ofsted judgements are everything, there is little or no incentive for schools to deal with pupils who sexually harass their peers.

Who experiences sexual harassment in the workplace, who perpetrates it and what the impact is on different groups

17. The majority of sexual harassment is conducted against women, and the NASUWT has found that the majority of perpetrators are male line managers or male colleagues who have direct authority over them.

18. A figure as high as 79% has been quoted as the percentage of victims unwilling to report incidents of sexual harassment to employers⁴. This is due to a variety of reasons which include: negative effect on relationships at work, damage to career prospects, and a belief they would not be taken seriously and feeling too embarrassed.

19. Coupled with the evidence that the proportion of women facing harassment is greater among the youngest workers and the fact that this group is statistically more likely to be employed on temporary contracts or zero-hours contracts and more likely to be in more junior roles, it becomes increasingly clear why the majority of incidents remain unreported.

20. Teaching is a profession that deals with children and young people. This often means serious cases that other workplaces would deal with via disciplinary panels or dismissal are treated very differently in schools if the perpetrator is a minor.

21. NASUWT research has found that women and girls are increasingly facing online sexist and misogynist abuse, which is impacting negatively on their self-esteem and their mental and physical wellbeing\(^5\).

22. Women teachers are too often advised ‘not to make a fuss’ or not taken seriously when they report an incident of sexual harassment where the perpetrator is a pupil. This perpetuates the message that this sort of behaviour against women and girls is acceptable.

23. Sexual harassment and violence is not confined to pupils. The Safe to Teach? Report, the NASUWT\(^6\) survey of 5,000 teachers on health and safety in schools showed that more than one in six female teachers (17%) have suffered from sexist abuse at school or college in the last two years, compared to one in 17 male teachers (6%).

24. In the online NASUWT survey, over half of the respondents reported that they had received negative comments or information posted on social networks about them related to their role as a teacher in the last 12 months. Fifty-five per cent of comments were from pupils and 51% from parents. Eighty per cent of comments were insulting remarks often including threatening behaviour. In all, 60% of teachers received comments on Facebook, 26% on Ratemyteacher and 16% on Twitter. Of incidents involving pupils, the majority were reported by pupils aged 13 and over, although there were comments from children as young as seven.

25. The teachers responding were asked to provide details of the abuse in an open-field entry. Comments from pupils of a sexualised nature against women teachers include the following:

- A Facebook group set up to mock me and my appearance a couple of months after I started at the school.
- Threats of sexual violence and rape towards me.

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\(^5\) Survey of abuse of technology (2016) NASUWT, Birmingham

\(^6\) NASUWT (2011) Safe to Teach. Birmingham.
• Fake account set up where a group of boys spoke about me suggestively.
• They started a site called ‘teachers we want to f**k’ and found photos of female staff to put up where people left comments.
• A sixth-former took a photo of me when I was riding home from work in my lycra kit, then shared it on a Whatsapp group.

26. Comments from parents of a sexualised nature against women teachers include:
   • I want to slap her (the teacher’s) bitch face;
   • Parents threatened to come in and “sort that bitch out”.
   • Accusing the school staff of “sucking the head’s titties”.

27. There is evidence to show that children express fixed views about women and men’s roles at a very early age. Gender divisions are observed in attitudes adopted to play and to learning activities, and in addition it is perceived that girls and boys are guided towards atypical subject choices that impact negatively on their learning and career choices. Boys are conditioned to behave in particular ways, leading to violence, disruption or bullying. Hyper-masculine behaviour in the playground is driven by the need to be the dominant male as determined by wider cultural experiences. There is a need to eliminate this damaging gender stereotyping which adversely affects the life chances of girls as well as boys.

28. The curriculum has a critical contribution in ensuring that the education system plays its full role in building an equitable and just society, in challenging and countering discrimination through the promotion of equality and diversity, and by being structured in a way that allows all pupils to achieve and succeed to the fullest possible extent. The curriculum should, in this context, be seen not only as a means by which all learners can acquire skills, knowledge and experience, but also as a mechanism for the transmission of positive values to children and young
people that can encourage and sustain efforts to develop positive and inclusive attitudes and beliefs.

29. Educating school pupils about gender equality will be futile if the issue is not seen as a whole school responsibility. If behaviour in the playground and whole school environment is inconsistent with the messages in the classroom, school pupils may become confused and not take the issue seriously. All stakeholders, school staff, parents, governors, students need to develop shared values and operate within a consistent equalities framework.

30. The NASUWT believes that good Personal, Social and Health Education (PSHE) can support young people in making safe and informed choices. There needs to be room in the life of the school for an exploration of wider social issues that contribute to the wellbeing and engagement of all pupils. PSHE has been the subject of many reviews, and in January 2016 the Chair of four key House of Commons committee wrote to the then Secretary of State for Education, Nicky Morgan, asking for it to be a statutory element of the National Curriculum. In a letter from the education, health, home affairs and business committees, the Chair argued that ‘PSHE is a crucial part of preparing young people for life’ and that it could ‘help protect young people from abuse in many forms’. However, to date, academies are not required to deliver the national curriculum and they now make up the majority of secondary school education in England. There is therefore a disparity in the provision, inspection and quality of PSHE and, like many ‘equality’ concerns, it remains up to the personal attitude of individual school leaders as to the extent and quality of its provision in their school.

31. PSHE and Sex and Relationships Education (SRE) are useful tools for issues of sexual harassment to be addressed within the context of a coherent National Curriculum that allows for important links between different subjects to be drawn.
32. Establishing SRE and PHSE on a mandatory basis in all schools will raise particular issues in relation to the initial training of teachers and their ability to undertake continuing professional development. Currently, opportunities to pursue specialist initial teacher training in PSHE are extremely limited, and the NASUWT notes that support for PSHE in-service training was removed by the Department for Education in 2015. Evidence suggests that PSHE is best delivered in the secondary sector by teachers with significant specialist training in the subject. In respect of the primary sector, significant support for continuing training and development would be a particularly important consideration for all teaching staff.

33. Teachers are committed to protecting children and young people from sexualised behaviour, harassment and violence, but there is an urgent need to ensure that early and ongoing training is provided. Together with training for all school staff, headteachers and governors, the NASUWT believes that such provision will help to counter the growing problem of sexual harassment and violence in schools.

34. The NASUWT strongly supports the principle that pupils should have access to high-quality, engaging and relevant relationships education and PSHE learning experiences.

35. However, through whatever means mandatory SRE is established in schools, proposals to retain the current right of parents under Section 405 of the Education Act 1996, to withdraw their children from any sex education provision offered within schools, are highly problematic. Continuation of the right of withdrawal would be inconsistent with the DfE’s stated view that SRE is of such importance to all young people that every school, regardless of status, should be required to teach it.

36. The NASUWT believes that if the view is taken by policy-makers that SRE is of sufficient importance that it should be mandatory in every secondary school, and represents a core element of pupils’ universal learning entitlement, then they have no credible alternative other than to repeal Section 405. However, if the view is taken that parental rights of withdrawal must be retained, then it is essential to acknowledge that this position is entirely inconsistent with any credible rationale for requiring SRE to be included in the curricular offer made to every secondary-age pupil.

37. It should be noted in this context that, for maintained schools, no right of withdrawal exists for parents in respect of any National Curriculum subject. For all academies and free schools, funding agreements mandate the teaching of English, mathematics and science and, again, provide for no parental right of withdrawal. Therefore, any attempt to make SRE subject to a right of withdrawal would send a clear signal to parents and pupils that it is less important than English, mathematics and science, and the National Curriculum more broadly, despite Ministerial assertions about its centrality to a broad and balanced curriculum.

**Actions that the Government and employers should be taking to change workplace culture to prevent sexual harassment, and make this issue a higher priority for employers.**

38. Ofsted has made substantial changes to the frameworks and processes for the inspection of schools which includes a much-reduced single common inspection framework. Ofsted inspectors are now required to make judgements on the personal development, behaviour and welfare of pupils by evaluating the extent to which the school is promoting and supporting their commitment to learning. In addition, inspectors will assess the extent to which the school supports pupils to keep themselves safe from risks such as abuse, sexual exploitation and extremism, including when using the internet and social media. This provides an
opportunity for inspectors to make judgements about what a school is doing to prevent sexual harassment. However, the NASUWT is not confident that inspectors are either sufficiently knowledgeable or trained to ensure that children and young people are being educated against these practices. Moreover, schools are not required to monitor and record sexualised bullying and harassment incidents and so it is difficult to identify what data could be made available.

39. Safeguarding and keeping pupils safe is a key area in which schools should evaluate how well they are fulfilling their statutory responsibilities for protecting children from sexual abuse and all forms of gender-based violence, as well as racist, homophobic or transphobic behaviour. School leaders and governors are required to create an effective safeguarding culture and Ofsted inspectors could play a key role in ensuring that immediate action is taken if there are concerns about a pupil either displaying adverse sexualised behaviour or signs of being a victim of sexual abuse.

40. The NASUWT has produced guidance for school leaders on the new Common Inspection Framework. The guidance reminds school leaders of their responsibilities under the Equality Act 2010 and Public Sector Equality duties to eliminate discrimination, advance equality of opportunity and foster good relations between groups who share a protected characteristic and those who do not.

41. The NASUWT believes that inspection reports should be monitored to ensure that inspectors examine and report on a school's effectiveness in tackling and preventing sexual harassment of pupils and staff.

42. The provision of high-quality training for school staff on dealing with cyber-bullying and harassment is an essential requirement for tackling sexual harassment in schools. This issue affecting women is too often ignored and needs to be prioritised to underline its importance. Time and space needs to be identified during the normal working day for such training.
43. All schools, regardless of type, should be required to have whole school policies on preventing sexual harassment against pupils and staff.

44. Ofsted inspectors should receive explicit training on inspecting for effective strategies in schools, in particular on how schools are monitoring and recording incidents of sexual harassment and abuse.

**How workers can be better protected from sexual harassment by clients, customers and other third parties**

45. Staff in schools have a right to learn and work in a safe and secure environment that is free from intimidation, harassment and abuse and where they feel valued and confident. A school that fails to address sexual harassment effectively will find it more difficult to develop a credible response to safeguarding pupils.

46. Employers have an important role to play in the safeguarding of employees. It is employers who, in the main, establish the ‘culture’ of workplaces and, whether consciously or not, set the boundaries of acceptable behaviour and language.

47. Employees need to be given the very clear message that all disclosures will be dealt with appropriately and in the strictest confidence.

48. If 71% of women fail to report incidents of sexual harassment in the workplace, then there also has to be a concerted effort on the part of the employee to report all incidences of sexual harassment. Only then can employers be held accountable for non-compliance.

**The effectiveness and accessibility of tribunals and other legal means of redress and what can be done to improve these processes**
49. The NASUWT believes there should be stronger legislation with larger financial penalties. For example, the new General Data Protection Regulation (GDPR), carries penalties of up to 20 million euros or 4% of a company’s turnover, but for cases of sexual harassment the costs start at just £800. Is it any wonder that while employers adhere to the rules regarding GDPR, they fail to take sexual harassment seriously?

50. Employers need to create policies that deal specifically with third-party harassment and ensure their staff know they exist and understand them. It is also vitally important that employers adopt a zero-tolerance approach to all incidents reported to them.

51. Realistically tribunals are only accessible to those who can afford them or have access to trade union representation or legal-expenses insurance.

52. There could arguably be a challenge under health and safety legislation as employers could be found negligent in failing to ensure the health, safety and welfare of its employees.

The advantages and disadvantages of using non-disclosure agreements in sexual harassment cases, including how inappropriate use of such agreements might be tackled

53. The whole point of a non-disclosure agreement is to keep confidential information confidential. The problem arises from the nature of the conduct that the NDA is seeking to keep confidential.

54. NDAs cannot be used by employers as a means to cover up sexual harassment. However, casework findings suggest that members of the NASUWT have been wary of going down the ‘whistle-blower’ route with regards to sexual harassment, because if there is insufficient evidence to support their claims, they may find themselves in a vulnerable position.
55. There should be an onus on employers to inform staff at every stage with regards to the signing of NDAs that sexual harassment cannot be included in any such agreement

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