

Sexual Harassment, Sexual Misconduct and Sexual Violence Policy

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Sexual Harassment, Sexual Misconduct and Sexual Violence Policy

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1. Policy statement

Craven College is committed to ensuring a working and learning environment free from sexual harassment, sexual misconduct and sexual violence so all members of the College community can enjoy the right to study, live, work and be respected for the contribution they make.

Sexual misconduct and violence can be experienced by any individual, regardless of sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status. However, women, members of the LGBTQ+ community and individuals with disabilities are disproportionately affected by experiences of sexual violence. Experiences of sexual misconduct and violence may also intersect with other forms of harassment and discrimination.

The College will listen to and take seriously all disclosures of sexual harassment and sexual misconduct.

The College will implement anonymous disclosing mechanisms in order to understand the nature and extent of sexual harassment, sexual misconduct and sexual assault experienced by members of its community. This is so we can direct resources appropriately and evaluate our progress towards eliminating all forms of sexual misconduct across the College. The College will ensure all staff are trained to appropriately identify and to respond to disclosures of sexual harassment and sexual assault.

All individuals are personally liable for their actions, which in some instances could lead to criminal or civil action in the Courts under the Protection from Harassment Act 1997, the Equality Act 2010 or other relevant legislation, such as the Crime and Disorder Act 1998.

The College will take swift action in response to allegations made against students or staff in line with the procedures below. Where necessary, the College will conduct confidential investigations into allegations of sexual misconduct. Disciplinary action will be taken if allegations of sexual harassment or sexual misconduct are upheld following a formal complaint.

The College will take all reasonable steps to raise awareness of the issue among staff and students. Specific training for College staff will focus on identifying signs of sexual harassment/abuse. All support teams (Safeguarding, Wellbeing and Mental Health, SEND and Student Development Officers) will ensure that more vulnerable students are given additional support to reduce the risk for them. These groups include:

- Students with learning difficulties and/or disabilities
- Care experiences students (young carers, those in care and care leavers)
- Students with mental health issues

2. Scope of policy

This policy applies to all members of the College community and relates to sexual misconduct perpetrated by:

- a student against a student or a member of staff
- a member of staff against a student or a member of staff
- a student or staff member against a third party
- a third party against a student or a member of staff

It applies to sexual misconduct and harassment that may take place outside of the College premises or hours, e.g. social events, trips or on social media.

Sexual misconduct is not necessarily confined to the behaviour of senior staff towards more junior staff or staff towards students. It can take place between persons at the same level or involve staff or students behaving inappropriately towards more senior members of the College.

3. Definitions

For the purposes of this Policy, the following definitions apply:

Sexual misconduct is an umbrella term and can include harassment and bullying.

Harassment is unwanted behaviour which violates an individual's dignity and/or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment may be physical, written, verbal, non-verbal, online or via social media. It can be intentional or unintentional. Unlike bullying, harassment is legally defined in the UK and included as a form of discrimination in the Equality Act (2010).

Bullying is offensive, intimidating, malicious or insulting behaviour, which may include abuse or misuse of power, through means that threaten, undermine, humiliate, denigrate, take advantage of, or injure the recipient. Causing offence may be a deliberate act or it may not be. It is the impact on the individual which is the key consideration.

Abuse of power is when a person such as a member of staff exploits a position of power to exert undue influence, control or coercion over others.

Sexual misconduct is any act of violence or harassment which is sexual in nature or any kind of unwanted, non-consensual sexual touching or harassment within or outside a relationship. This may include rape, sexual assault, sexual exploitation or groping. It also covers behaviours such as grooming, coercion, the promise of a reward for sexual access and sexual demands or threats. It often arises where there is an imbalance of power in a relationship, and it violates the principle that the parties involved have given willing consent to the behaviours.

Harassment, bullying and sexual misconduct might be a series of different behaviours, repeated forms of the same unwanted behaviour or a one-off incident. The following non-exhaustive list gives examples of behaviour that may also constitute **harassment or bullying**:

- offensive or inappropriate comments, body language, jokes, innuendos or gestures
- openly hostile, insulting, abusive or embarrassing comments or criticism persistently demeaning, ridiculing, excluding or isolating someone, threats to disclose, or disclosing, private or personal information, including photographs
- comments, notes, publications or posts on social media that are derisory, disparaging, abusive, offensive or intimidating
- knowingly addressing or referring to someone using a pronoun (for example, he or she) with which an individual does not identify

Examples of **sexual misconduct** include:

- sexually explicit remarks, innuendos or banter
- sexual insults, jokes, teasing or songs
- wolf whistling, cat calling or making other offensive sexual noises
- offensive comments about someone's dress, appearance or private life, including their sexuality or gender identity
- unwanted or inappropriate physical contact including touching, pinching, groping or smacking
- unwanted requests to engage in or discuss sexual activity
- lifting or removing clothing without consent
- display or distribution of sexually explicit material

- upskirting

Stalking is persistent and unwanted conduct of one or more kinds of behaviours described above. It can be physical or psychological and take place directly against a person, or by approaching a third party about a person. The more common examples of stalking are following a person home, following a person around, between or to/from College, sending or leaving them unwanted and repeated messages, bullying them on social media or making intrusive or unwanted visits.

Interpersonal relationships between individuals can also be abusive without a sexual element to the behaviour. They may involve bullying or coercive behaviours which are used to maintain power or control. While this might include sexual abuse and/or bullying, it can also include emotional, financial or physical abuse, threats, isolation or intimidation.

By definition, some of the behaviours set out would necessitate physical contact or for the parties to be physically proximate. Many, however, may also manifest themselves in virtual, online, social media or other remote forms of communication. The medium does not mitigate the impact or excuse the behaviour.

4. Reporting Procedure

Preventing sexual misconduct is everyone's responsibility. The College cannot prevent or remedy sexual misconduct unless it knows about it. If any student or staff member believes that the actions or words of a supervisor/manager, fellow employee, student, customer, vendor or other individual in the organisation constitutes illegal sexual harassment, the student/staff has a responsibility to promptly report that behavior to the Designated Safeguarding Lead /Deputy DSL/Safeguarding Team (in cases involving students) and the College Principal (in cases involving staff members/contractors etc.). Prompt reporting enables the College to stop the harassment before it becomes severe or pervasive. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior immediately.

The College will not use non-disclosure agreements (NDAs) to prevent individuals from speaking out about sexual harassment or sexual misconduct, in line with Office for Students requirements.

Considering what actions to take: Any individual who believes they have been the target of sexual misconduct (harassment and/or abuse) controls what actions they can take (including no action). The individual is not obliged to make a decision immediately. It is very important that they make the decision that is right for them. They might want to speak with someone about what action they should take. Below are some of the options they may wish to consider:

- Report the incident to the College via the Staysafe email (staysafe@craven-college.ac.uk)
- Speak with the Safeguarding, Mental health and Wellbeing team member or any other member of staff to report it formally.
- Report an incident to Human Resources
- Report to the Police calling 101 anonymously or otherwise.
- Take no action.

Where an anonymous allegation of sexual misconduct is made against a student, the College will investigate the allegation in line with its usual procedures. All efforts will be made to encourage the reporting party to come forward so that the College can appropriately support them throughout the process. Where this is not possible, they will be guided to external support networks that may be able to support them.

The reporting party should be informed that it might not be possible for the College to update them with the progress/outcome of the investigation.

Where a member of staff has witnessed any form of sexual misconduct, they will promptly contact one of the following:

- For allegations against students - Safeguarding staff on duty (followed by completing incident details on CPOMS (Child Protection Monitoring System))
- For allegations against staff – The Principal

All staff must report all safeguarding disclosures/incidents, including allegations of sexual abuse or misconduct (against students) to the safeguarding team immediately. Staff must follow the safeguarding reporting procedure by calling a member of the Safeguarding Team. This should be followed by completing the report on CPOMS. The Safeguarding Team will take responsibility for speaking with the student, collating necessary information, supporting the student and potential referral to external agencies. Please see [Appendix 1](#) below for details.

Please see the College's safeguarding policies for children and adults at risk for more information.

All managers are required to report all formal and informal complaints involving sexual misconduct (against staff members) immediately to the College Principal, even when the complaining individual asks to keep the complaint confidential or indicates that they do not wish to file a formal complaint. Please see [Appendix 2](#) for detailed procedure.

5. Responsibilities

The **Senior Leadership Team and Managers in both Curriculum and Support** areas have a duty to familiarise themselves with this policy, and to make every effort to ensure that sexual misconduct does not occur, particularly in the areas of work for which they are responsible. They should act as role models and adhere to the College's expectations. The Governing Board receives regular compliance reports on incident metrics and responses. To ensure that College values and strategic plans explicitly include creating a safe, inclusive environment.

Sexual misconduct can be hard for leaders and managers to recognise, particularly as it may not be obvious to them or to other colleagues what is happening. The individual being subjected to inappropriate behaviours may be too frightened to report it. The inappropriate behaviours may be done in a subtle way, or the individual may even think it is part of the 'culture' of the workplace and just normalise what they are being subjected to. If the individual is unwilling or too frightened to act there may be other ways to address the issue and this should be discussed with HR.

Staff are required to respect the age, beliefs, convictions, and sexual orientation of others and not behave in ways which cause offence, or which in any way could be sexual misconduct. Each member of staff and all students have a responsibility to ensure colleagues, clients, students, and visitors are treated with dignity and respect.

6. Additional resources

Resources for further guidance:

- [Keeping children safe in education - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- <https://www.gov.uk/government/publications/sexual-violence-and-sexual-harassment-between-children-in-schools-and-colleges>
- [Working together to safeguard children - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Dedicated helpline for victims of abuse in schools | NSPCC](#)
- [Child sexual exploitation: definition and guide for practitioners - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Sexual violence and sexual harassment between children in schools and colleges - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- <https://www.rasamerseyside.org/>
- [When to call the police – NSPCC](#)
- [Relationships and sex education \(RSE\) and health education - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Teaching about relationships, sex and health - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Plan your relationships, sex and health curriculum - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Teacher training: respectful relationships - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Teacher training: internet safety and harms - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Teacher training: being safe - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

7. Related College policies

Student Code of Conduct
Safeguarding Children and Vulnerable Adults Policy
Disciplinary Policy and Procedures (Staff)
Whistleblowing Policy
Student Positive Behaviour Policy
Staff Code of Conduct
Anti-Harassment and Bullying Policy

Dealing with disclosure of child-on- child abuse.

The College recognises that sexual violence and sexual harassment can take place between students and within their peer groups. While the focus must be a proactive education and support to minimise the risk of any such behaviour, the College is also committed to responding appropriately and quickly to reports of sexual violence and sexual harassment, within a framework of effective safeguarding practice.

Part 5 of KCSIE 2023 gives detailed guidance regarding the response to child-on-child sexual violence and sexual harassment, based on the DfE document Sexual Violence and Sexual Harassment between Children in Schools and Colleges.

The College's response to any such report will be led by the DSL/ Deputy and will involve the following elements:

- Initial responses, considering the needs of both reporting and responding parties
- Record Keeping
- Risk Assessment
- Consideration of the various options to manage the report, including internal management, the need for early help, referral to Children's Social Care and/or referral to the Police.
- Ongoing response – safeguarding and support

Initial response

- Any direct disclosure by a student about an incident of abuse should be taken very seriously and managed sensitively. Basic principles of listening sensitively, providing reassurance, not asking leading questions and not guaranteeing confidentiality should be remembered.
- All incidents should be responded to in line with the College's Safeguarding Policy.
- Any incident should be referred to the Safeguarding Team and the Designated Safeguarding Lead (DSL). The DSL or their representative will meet with College staff involved and there should be subsequent interviews, with the students involved if appropriate.

Investigation

- The DSL will decide if further information is required to decide on the best response. The relevant staff and progress leaders' team provide relevant facts about the circumstances of the student/students involved which could influence the decisions of the DSL and which enable a contextual assessment to be made.
- In incidents that involve individuals not at the College, the DSL will decide if there is a need to contact another school, college or individual.
- A student against whom an allegation of abuse has been made and where there is 'reasonable cause to suspect that another student is suffering, or likely to suffer, significant harm' may be suspended from the College during the investigation in accordance with the College's Student Positive Behaviour Policy.

- When necessary, the DSL/ Deputy will take advice from Children's Social Care or Adult Care Services on the investigation of such allegations and will take all appropriate action to ensure the safety and welfare of all students involved including the student or students accused of abuse.
- If a student against whom an allegation of abuse has been made is required to be interviewed by the police, then the student will be supported during the interview by an appropriate adult.

Risk Assessment and Referral

- The DSL/ Deputy will assess the risk presented by the incident to the student(s) involved and decide whether a referral to the police or Local Authority Designated Officer is required or whether to proceed using the College's support and disciplinary system
- The DSL/ Deputy should inform parents at an early stage and involve them in the process unless there is good reason to believe that involving parents would put the young person at risk of harm.
- At any point in the process, if there is a concern whether a young person has been harmed or is at risk of serious harm a referral should be made to Children's Social Care. Any staff member can make such a referral but should inform the DSL as soon as possible that a referral has been made.

Recording Process

- Notes should be made about all conversations and meetings to do with any incident of child-on-child abuse. Formal written records should be completed immediately or within 24 hours. Records should include date, time, place, persons involved, nature of disclosure and any relevant details. These should be emailed to the DSL immediately and uploaded on CPOMS.
- The Safeguarding and Pastoral teams will offer ongoing support in the best interests of the students in our care and action may need to be coordinated where there is a wider investigation involving Children's Social Care/Adult Care Services and/or the Police.

Appeal Process

- Where an investigation is conducted within the College, the College will provide an outcome of the investigation in writing to both the reporting and responding parties within one week of completing the process.
- Where the investigation concludes that the accusation of sexual misconduct was malicious, both the reporting and responding parties are referred to support services for ongoing wellbeing support. The responding party, in such cases, will have the right to instigate a complaint against the other party.
- Where the allegation of sexual misconduct is found to be substantiated, the responding party will be disciplined in line with the Student Positive Behaviour Policy. Both parties (reporting and responding) have the right to appeal against the decision which will be dealt with in line with the College complaint procedure.

- Where the investigations are conducted by external agencies (Police, Children Social Care or Adult Care Services) the relevant agency's processes for appeal will apply.

Reports of sexual violence and sexual harassment are almost always complex, and decisions are likely to be made on a case by case basis. The needs and wishes of the reporting and responding parties should be paramount (along with protecting the individual) in every response. At all times the College's response will be underpinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.

Appendix 2

Dealing with Allegations made against a Member of Staff

The procedures apply to all college employed staff, whether teaching, administrative, management or support, as well as to volunteers and contractors. The word "staff" is used for ease of description.

It is an offence under section 16 of The Sexual Offences Act 2003, which provides that it is an offence for a person aged 18 or over (e.g., teacher, youth worker) to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual. A situation where a person is in a position of trust could arise where the child is in full-time education and the person looks after children under 18 in the same establishment as the child, even if s/he does not teach the child. This reference to the Sexual Offences Act 2003 does not imply that relationships with adult students are deemed acceptable by Craven College. Where there is any doubt, please refer to HR policies and procedures and contact them for advice.

The College recognises that an allegation of child abuse made against a member of staff may be made for a variety of reasons and that the facts of the allegation may or may not be true. Those dealing with allegations will maintain an open mind and that investigations are thorough and not subject to delay.

The College recognises that the Children Act 1989 states that the welfare of the child is the paramount concern. It is also recognised that hasty or ill-informed decisions in connection with a member of staff can irreparably damage an individual's reputation, confidence and career. Therefore, those dealing with such allegations within the College will do so sensitively and will act in a careful, measured way.

Receiving an allegation

This section concerns allegations against a member of staff who has:

- behaved in a way that has harmed a child, or may have harmed a child or adult at risk
- possibly committed a criminal offence against or related to a child or adult at risk; or
- behaved towards a child or children or adult at risk in a way that indicates he or she would pose a risk of harm to them.

In respect of the allegation, record information about times, dates, locations and names of potential witnesses. Where parents and carers are already aware of allegations they should be made aware of the requirement to maintain confidentiality about any allegations made against teaching staff whilst investigations are ongoing as set out in section 141F of the Education Act 2002.

[The document, Keeping Children Safe in Education: Statutory guidance for schools and](#)

[colleges](#): (part four: Allegations of abuse made against teaching and other staff) will be used to handle allegations of this nature for children and adults at risk.

A member of staff who receives an allegation about another member of staff should report the allegation immediately to the Principal who will inform the Designated Safeguarding Lead and request that the Head of HR will lead an investigation. If the allegation involves any of these persons that person would not be informed and the Principal should handle the allegation. If the allegation concerns the Principal, the Chair of Governors should handle the allegation. The Chair may be contacted through Director of Governance.

Allegations against a teacher who is no longer teaching and/or historical allegations of abuse should be referred to HR as there is a requirement to inform the police. HR should also be informed if a person in regulated activity has been dismissed or removed due to safeguarding concerns or would have been, had they not resigned as this is a legal duty and failure to refer when the criteria are met is a criminal offence. HR will refer the concerned member of staff to the Disclosure and Barring Service (DBS).

The Designated Safeguarding Lead shall be informed when an allegation has been received and will be told of the outcome of the investigation.