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# Anti-Harassment and Sexual Misconduct Policy

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## **Background:**

At City of Bristol College, the wellbeing and safety of all our students is a top priority. There has been increased international recognition of the instances of harassment and sexual misconduct, including within education settings.

This document presents clear expectations, guidance and information regarding the reporting process and management of any concerns, to reinforce the college's zero tolerance approach regarding offences of this nature. It applies to all students, including Higher Education, apprentices and adult learners as well as those in further education.

## **Responsibilities:**

All staff have a responsibility to safeguard our students. To report concerns effectively and where possible to prevent instances of harassment, or sexual misconduct, through the enforcement of the staff code of conduct and student charter, adherence to key policies and through role modelling appropriate communication and behaviour.

All staff must also be aware that our students can be victims of Extra Familial Harm i.e. that "that safeguarding incidents and/or behaviours can be associated with factors outside the school or college and/or can occur between children outside of these environments" and that "All staff should be aware that technology is a significant component in many safeguarding and wellbeing issues. Children are at risk of abuse online as well as face to face." (Sexual violence and sexual harassment between children in schools and colleges 2021).

In line with "Sexual violence and sexual harassment between children in schools and colleges 2021" it is recognised that "police will be important partners where a crime might have been committed. Where a report of rape, assault by penetration or sexual assault is made, the starting principle is that this should be referred on to the police" the Bristol Safeguarding in Education Team have stressed the importance of police reporting and asked that this is done in all such cases of disclosed sexual violence. In our setting this action will be completed by the Safeguarding team with agreement from the DSL.

It is recognised by the college that it is our responsibility to provide appropriate training and information to our staff, students and visitors, to support them to recognise and address concerns and to ensure that all members of the college community are enabled to come forward if they have any concerns for themselves or others.

In terms of managing disclosures KCSiE 2022 advises in relation to Child on Child Sexual Violence and Sexual Harassment that "Sexual violence and sexual harassment can occur between two or more children of any age and sex, from primary through to secondary stage and into college. It can occur also through a group of children sexually assaulting or sexually harassing a single child or group of children. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face-to-face (both physically and verbally) and are never acceptable. Schools and colleges should be aware of the importance of:

- making clear that there is a zero-tolerance approach to sexual violence and sexual harassment, that it is never acceptable, and it will not be tolerated. It should never be passed off as "banter", "just having a laugh", "a part of growing up" or "boys being boys". Failure to do so can lead to a culture of unacceptable behaviour, an unsafe environment and in worst case scenarios a culture that normalises abuse, leading to children accepting it as normal and not coming forward to report it.
- recognising, acknowledging, and understanding the scale of harassment and abuse and that even if there are no reports it does not mean it is not happening, it may be the case that it is just not being reported.

- challenging physical behaviour (potentially criminal in nature) such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them.

### **Terminology**

**Harassment (as defined by Section 26 of the Equality Act 2010):** Includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation

In line with the Office for Students definition, at City of Bristol College we understand harassment to include domestic violence and abuse (which can also involve control, coercion and threats) and stalking.

We also consider harassment to include any incidents of physical violence towards another person(s) on the basis of a protected characteristic and hate crimes, such as those criminal offences, which are perceived by the victim or any other person to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

**Sexual misconduct:** relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:

- Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
- Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
- Assault (as defined by the Sexual Offences Act 2003)
- Rape (as defined by the Sexual Offences Act 2003)
- Physical unwanted sexual advances <https://www.equalityhumanrights.com/sites/default/files/sexual-harassment-and-the-law-guidance-for-employers.pdf> (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- Intimidation, or promising resources or benefits in return for sexual favours <http://www.equalityhumanrights.com/en/publication-download/sexual-harassment-and-harassment-work-technical-guidance> (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015)

Office for Students<sup>1</sup> definitions include harassment and sexual misconduct through any medium, including online activity.

In considering this statement of expectations, providers will also need consider their statutory duties, and the Office for Student's regulatory requirements, relating to academic freedom and free speech.

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<sup>1</sup> Office for Students are the regulatory body for higher education provision

As outlined in EHRC guidance <http://www.equalityhumanrights.com/sites/default/files/freedom-of-expression-guide-for-higher-education-providers-and-students-unions-england-and-wales.pdf> on freedom of expression, published in February 2019, exposure to course materials that students might find offensive or unacceptable is unlikely to constitute harassment.

Terminology when dealing with a disclosure

In line with the government document “Sexual violence and sexual harassment between children in schools and colleges” staff need to carefully consider the terminology used when dealing with a disclosure, recognising that “not everyone who has been subjected to sexual violence and/or sexual harassment considers themselves a victim or would want to be described in this way. Ultimately, schools and colleges should be conscious of this when managing any incident and be prepared to use any term with which the individual is most comfortable.

In this document we use the term ‘alleged perpetrator(s)’ and where appropriate ‘perpetrator(s)’. However, the guidance is clear that “colleges should think very carefully about terminology, not least because in some cases the sexual behaviour will have been harmful to the [alleged] perpetrator as well. As above, the use of appropriate terminology will be for colleges to determine, as appropriate, on a case-by-case basis”.

### **Reporting, Recording and Monitoring of concerns**

All college staff have access to our safeguarding system (My Concern) and this should be used to record and report all disclosures to the safeguarding team.

Students are also able to self-refer to the safeguarding and welfare team, contact details are available on posters displayed throughout our college sites and on the mental health and student support areas of the website (See links below). This contact can be made anonymously by students requiring advice and support, however once trust has been gained the safeguarding advisor will suggest that the student provides their details to enable effective follow up and investigations to take place.

<https://www.cityofbristol.ac.uk/support/mental-health-support/> <https://www.cityofbristol.ac.uk/support/academic-personal-support/>

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All concerns received by the safeguarding team are triaged within 24 hours and allocated to the most appropriate member of the safeguarding team. At this stage the Head of Department (HOD) and if appropriate Learning Support team leader will also be made team members to ensure that they are fully aware of the allegation.

To support the monitoring of concerns relating to harassment and sexual misconduct this category will be included as an agenda item in termly safeguarding committee meetings, and will also be included in fortnightly SLT report and the related executive summary provided to the college safeguarding governor. This data will also be included in the termly, 6 monthly and Annual safeguarding reports.

### **Training and information**

Specific training will be provided to all staff via CPD events, college newsletters and induction. Specialist training has also been provided to the safeguarding team and a team champion is in place who will lead on this area of safeguarding.

Tutorial and induction materials ensure that all students are aware of their right, how to report concerns and what the process of support will be.

Safeguarding information is also presented to all visitors to the college and visitor risk assessments are carried out to ensure the safety of our students and staff.

### Managing disclosures/allegations

If a disclosure is received it is important to meet with all individuals involved within 5 working days (ideally on the day of disclosure where possible) this could include staff, visitors, guest speakers or students.

The student making the disclosure must be reassured by all staff managing the disclosure KCSiE 2022 states that “It is essential that all victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward, and that they will be supported and kept safe. Abuse that occurs online or outside of the school or college should not be downplayed and should be treated equally seriously. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report. It is important to explain that the law is in place to protect children and young people rather than criminalise them, and this should be explained in such a way that avoids alarming or distressing them.”.

Staff must be aware of the gender issue and other factors in relations to concerns of this nature, recognising that “Whilst any report of sexual violence or sexual harassment should be taken seriously, staff should be aware it is more likely that girls will be the victims of sexual violence and sexual harassment and more likely it will be perpetrated by boys. Children with special educational needs and disabilities (SEND) are also three times more likely to be abused than their peers.” (KCSiE 2022).

Statements must be taken by either the safeguarding team, senior curriculum staff or members of the HR team and these must be signed by the individual to confirm agreement with the content.

When managing disclosures of this nature it is vital that consideration is taken of the language used both verbally and in written form, recognising that it is an “alleged” offence, stating only the facts as presented and avoiding language or actions which could be perceived to place blame on a particular individual/individual. Where possible it is advised that the terms “Victim” and “Perpetrator” are avoided, instead staff are advised to use “Person A and Person B or utilise student initials stating what has been reported.

Regarding involvement of police **Sexual violence and sexual harassment between children in schools and colleges** recognises that “The police will be important partners where a crime might have been committed...and that Referrals to the police will often be a natural progression of making a referral to ... social care. The designated safeguarding lead (or a deputy) should lead the ... college’s response and should be aware of the local process for referrals to ... social care and making referrals to the police”.

Keeping Children Safe 2022 advises that “Where a report of rape, assault by penetration or sexual assault is made, this should be referred to the police. Ultimately, the designated safeguarding lead (or a deputy) will have to balance the victim’s wishes against their duty to protect the victim ... If the designated safeguarding lead (or a deputy) decide to go ahead and make a referral to ... social care and/or a report to the police against the victim’s wishes, this should be handled extremely carefully, the reasons should be explained to the victim and appropriate specialist support should be offered”.

Any student with a known conviction or ongoing police investigation relating to harassment or sexual misconduct will be subject to a risk assessment to ensure that they are safe to be on site.

Any student believed to be a perpetrator of harassment or sexual misconduct may be subject to a college disciplinary in addition to any police investigation. Disciplinary action will also be taken if students are found to have made a malicious claim which later turned out to be unfounded.

### Whole college approach

To support the College’s zero tolerance approach to harassment and sexual misconduct and embed proactive support, collaborative working is vital. This will involve cross college communication between departments, however

It is of utmost importance that learning is also gained from our students. To achieve this, our student participation team and other key staff such as the college DSL, will work alongside and take guidance from working groups and the Students Union to review and implement our approach to keeping students, staff and visitors safe and develop learning materials for dissemination across the college.

### **Support on offer**

All staff will support individuals making disclosures of harassment and sexual misconduct to ensure that they feel heard. Any concerns of this nature must also be referred to the college safeguarding and welfare team.

The safeguarding team will also provide specialist support and have completed the Brook Traffic light tool which supports the identification of harmful sexualised behaviours enabling the team to complete referrals for specialist support from Brook services.

### **This policy relates to other existing documents including:**

- College Charter
- Staff Code of Conduct
- Data Protection Policy
- Equality, Diversity and Inclusion Policy
- Health, Safety and Wellbeing Policy
- Student Disciplinary and Behaviour, Fitness to Study Policy
- Visitor Speaker Protocol
- IT Policy
- Mental Wellbeing Strategy
- Subcontracting Policy (applies to our partners)
- Safeguarding Policy and Procedure

### **Resources.**

**Brook:** [https://www.brook.org.uk/find-a-service?gclid=EAlaIQobChMI28-b8Kuw8QIVQdPtChOnxgcrEAAAYASAAEgJoVfD\\_BwE](https://www.brook.org.uk/find-a-service?gclid=EAlaIQobChMI28-b8Kuw8QIVQdPtChOnxgcrEAAAYASAAEgJoVfD_BwE)

**Childline: Childline/IWF “Report and Remove”:** <https://www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety/remove-nude-image-shared-online/>

**BASE:** <https://www.barnardos.org.uk/what-we-do/services/base-bristol-hub-spokes>

**CoBC resources:** <https://www.cityofbristol.ac.uk/support/academic-personal-support/>  
<https://www.cityofbristol.ac.uk/support/mental-health-support/>

**Sexual violence and sexual harassment between children in schools and colleges:**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/999239/SVSH\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/999239/SVSH_2021.pdf)

**Keeping Children Safe in Education 2022:** Keeping children safe in education 2022 (publishing.service.gov.uk)

**Working Together to Safeguard Children:** <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

**Sharing nudes and semi-nudes: advice for education settings working with children and young people:**

<https://www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people>

Review frequency: Annually

Lead Officer: Head of Safeguarding

Senior Manager responsible: Vice Principal

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