

Policy Title: Protection from Bullying and Sexual Misconduct

Created By: Head of Safeguarding

Approved By: Principalship

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Responsible Manager: Head of Safeguarding

Policy Category: Student

Related Policies: Safeguarding
Positive Behaviour Management

Policy Location: SharePoint Central Storage Library

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1. Scope

- 1.1. This policy deals with the protection of children and young people and all adults at risk. This procedure refers to children and young people up to 18 years of age and adults 18 years and over, who may be enrolled on Further Education or Higher Education programmes. Reference to staff or adults comprises the whole college community, regardless of position, role or responsibilities. Contractors working on college premises with direct contact with students are also required to follow the policy.

2. Aim

- 2.1. The College's Protection from Bullying, Harassment and Sexual Misconduct Policy is intended to ensure the health, safety & welfare of all staff, students, visitors and contractors whilst on college premises and as part of extended college activities

3. Objectives

- 3.1. The objective of this policy is:
 - to eliminate discrimination on the grounds of race, nationality, ethnicity, national origin, sex, gender, sexual orientation, marital status, age, religion, political affiliation, and disability or learning difficulties.
 - to allow every person in the College to work and study without fear of bullying, harassment or victimisation.
 - to recognise the problems associated with bullying, harassment and sexual misconduct.
 - to provide an environment in which individuals can learn effectively, confidently and competently.

4. Bullying

- 4.1. Bullying is defined as the use of force, threat, or coercion to abuse, intimidate, or aggressively dominate others. The behaviour is often repeated and habitual. One essential prerequisite is the perception, by the bully or by others, of an imbalance of social or physical power. It is intended to hurt someone either physically or emotionally, and is often aimed at certain groups, e.g. because of race, religion, gender or sexual orientation etc. This includes Cyber bullying or the use of electronic media to harass, discriminate and bully any learner, member of staff or visitor to the college.

5. Harassment

- 5.1. 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. The college understands harassment to include domestic violence and abuse (which can also involve control, coercion and threats) and stalking.

- 5.2. We would 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.

6. Sexual Misconduct

- 6.1. 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.
 - Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission (EHRC; 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).
- 6.2. The college includes bullying, harassment and sexual misconduct through any medium, including, for example, online.
- 6.3. As outlined in EHRC on freedom of expression, published in February 2019, exposure to course materials that students might find offensive or unacceptable is unlikely to constitute harassment.

7. Expectations

- 7.1. The college intends to clearly communicate, and embed across the whole organisation, our approach to preventing and responding to all forms of bullying, harassment and sexual misconduct affecting students. This will be provided through the established tutorial programme and enrichment activities. Posters and guidance for victims will be displayed in all staff work rooms. A permanent feature on the college VLE, will clearly communicate the college's intent and increase visibility to all students.
- 7.2. The Human Resources and Training Manager will implement training for college staff in line with statutory guidance set out in Keeping Children Safe in Education (Sep 21). All new staff to the organisation will receive training on Bullying, Harassment and Sexual Misconduct. Existing staff will receive training as part of

refresher training given every 3 years. Bespoke training may be offered as CPD, as determined by the Human Resources and Training Manager.

- 7.3. The Board of Governors will ensure that the college's approach to bullying, harassment and sexual misconduct is adequate and effective. Regular safeguarding reports will inform the board of trends in bullying, harassment and sexual misconduct. If necessary, actions will be agreed and carried out by an appropriate member of staff. All student related incidents of bullying, harassment and sexual misconduct will be automatically flagged through the college's safeguarding reporting system (*myconcern*). A separate record will be maintained by Human Resources for incidents relating to staff.
- 7.4. The college will engage with students to develop and evaluate systems, policies and processes to address bullying, harassment and sexual misconduct. Through college surveys and forums students will have the opportunity to speak freely on the effectiveness of the college in dealing with bullying, harassment and sexual misconduct. These themes will also be regular agenda items at Student Council, where through discussion, appropriate actions can be agreed. College staff will be given the opportunity to share their views via surveys issued by Human Resources.
- 7.5. The college implements adequate and effective staff and student training with the purpose of raising awareness of, and preventing, bullying, harassment and sexual misconduct. These themes feature on the tutorial Scheme of Work for students 16-18 year old, which allows them to contextualise and discuss the impact these have on individual lives. These themes will also be addressed in all other provisions as part of the induction process. The student council will oversee an annual awareness campaign to promote 'zero' Tolerance on bullying, harassment and sexual misconduct.
- 7.6. The college has adequate and effective policies and processes in place for all students to report and disclose incidents of bullying, harassment and sexual misconduct. A clear outline of the reporting procedure is given at both student and staff inductions. Multiple methods are used to increase the ease of reporting for students, including the college safeguarding reporting system (my concern) college email (safe@newcollege.ac.uk), phone and text (safeguarding line). Students and peers on their behalf can also report directly to any member of staff. Students will be reassured that their disclosure will be taken seriously. Staff wishing to disclose incidents of bullying, harassment and sexual misconduct will follow the guidance set out in the staff handbook issued by HR during their college induction.
- 7.7. The college has a fair, clear and accessible approach to taking action in response to reports and disclosures. Investigating officers independent of the incident will be appointed and act impartially in order to collect evidence for Curriculum Managers (students) or Human Resources (staff) to enable them to conduct a disciplinary hearing as outlined in the appropriate disciplinary procedures, all timescales will follow those detailed in the procedures. Student Disciplinary procedures are outlined in the Student Behaviour Policy. The college will ensure that students involved in the investigatory process have access to appropriate and effective support. This may include support with statement writing or other forms of communication. Where required and requested individuals will be

signposted to the other agencies e.g. the Police or specialist support services as needed.

7.8. For sexual misconduct between students, the college will adopt the approach set out in Section 5 of Keeping Children Safe in Education (Sep 21). In summary, the college will consider the following options.

- Manage internally
- Early Help
- Referrals to Children's Social Care
- Reporting to the police.

7.9. The college will offer ongoing support for both victim and perpetrator in cases of bullying, harassment or sexual misconduct. Support can be offered internally by the college safeguarding and wellbeing service and by accessing support through external agencies.

7.10. Reporting and responding parties will either be notified of the outcome of the investigatory process where we are able to share the information or we will explain the actions we have taken, or not taken, as a result of the complaint and why.

8. Version Control

Document Location

*This document if printed can only be considered up to date on the day that it was printed.
For a current version of this document please see the Central Storage Library.*

Revision History

Date of this Revision: Sep 2021

Date of next Revision: Sep 2022

Version	Date	Author	Change Description
1.0	Sep 2021	Head of Safeguarding	Document Created
1.1	Sep 2021	Head of Safeguarding	Document Revised
1.2	Sep 2021	Head of Safeguarding	Document Revised

Approvals

This document requires the following approvals:

Committee/Principalship	Date
Principal and CEO	

Distribution

This document has been distributed to:

Title/External Organisation/All Staff	Date of Issue	Version
All Staff	October 2021	1.3

9. Equality Impact Assessment Form

Step 1 – Identify the policy/procedure

The terms *policy/procedure* is interpreted broadly in equality legislation, and refers to anything that describes what we do and how we expect to do it. It can range from published College policies and procedures to the everyday customs and practices – sometimes unwritten – that contribute to the way our policies are implemented and how our services are delivered.

Published statements of policy are a useful starting point for equality impact assessments, as they establish the overall purpose of particular activities. Please use this form to document your assessment.

Policy/Procedure title	Protection from Bullying Harassment and Sexual Misconduct
Date of EIA	01/09/21
Department carrying out the assessment	Student Services
Location of policy/procedure	Shared Drive/Policies
New or previously approved policy/procedure?	New
Date of approval / last review (if known)	
Name and role of Assessor(s)	Ben Broyd – Safeguarding Manager

Step 2 – Further information

1. Who is responsible for the policy /procedure that is being assessed?	Thom Young - Student Services Manager
2. Describe the main aims, objectives and purpose of the policy/procedure.	The College's Protection from Bullying, Harassment and Sexual Misconduct Policy is intended to ensure the health, safety & welfare of all staff, students, visitors and contractors whilst on college premises and as part of extended college activities
3. Are there associated objectives of the policy/procedure? If so, please explain. <i>Examples include statutory requirements, sector initiatives, etc.</i>	Keeping Children Safe in Education (Sep 21)
4. Who is expected to benefit from this policy/procedure?	All users of the college
5. Who was consulted on this policy/procedure?	Lynne Plested - VICE PRINCIPAL - CURRICULUM AND HE

6. How has the policy/procedure been explained to those who would be directly or indirectly affected by it?	Yes
7. What outcome(s) are meant to be achieved from this policy/procedure?	<ul style="list-style-type: none"> to eliminate discrimination on the grounds of race, nationality, ethnicity, national origin, sex, gender, sexual orientation, marital status, age, religion, political affiliation, and disability or learning difficulties. to allow every person in the College to work and study without fear of bullying, harassment or victimisation. to recognise the problems associated with bullying, harassment and sexual misconduct. to provide an environment in which individuals can learn effectively, confidently and competently.
8. What factor(s) could contribute to the outcome(s)?	Effective Staff training A robust Student induction
9. What factor(s) could detract from the outcome(s)?	A perceived lack of support for victims, particularly from certain demographic groups

Step 3 – Promoting equality

10. Please give a brief description of how this policy promotes equality.	Any victim has the right to make a disclosure and entitled to the appropriate level of support.
11. If there is no evidence that the policy promotes equality, what changes, if any, could be made to achieve this?	N/A
12. If there is a negative impact on any equality target groups, can this impact be legally and objectively justified? <i>(If no, then a full Equality Impact Assessment should be completed).</i>	No

Step 4 – Monitoring effectiveness

13. How will you demonstrate that this policy or procedure, once implemented, is impacting fairly on everyone it affects? <i>In answering this question, please include information about feedback you will seek and/or data you will collect and analyse, and how often you will do this.</i>
Students and staff are surveyed throughout the academic year and given the opportunity to feedback on their personal safety and experiences.

Step 6 – Recommendation

14. Is a more detailed Equality Impact Assessment required?	No
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Signature of Assessor(s):		Date: 1/9/21
Authorised by:		Date:
Approved for publication by: (Equalities Adviser)		