

# Sexual Violence and Sexual Harassment Procedure



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## **1. Introduction**

The Bedford College Group recognises that children, young people and adults can abuse other children and young people or adults and this can happen both inside and outside of College.

Staff across the group will maintain the attitude of 'it could happen here' and will never dismiss it as 'just banter', 'just having a laugh', 'part of growing up' or 'boys being boys' as it will maintain that the College is a safe environment for its young people and will never normalise the behaviours.

At The Bedford College Group, we ensure that any form of sexual violence or harassment is dealt with immediately and consistently to reduce the extent of harm to the young person, with full consideration to impact on that individual young person's emotional and mental health and well-being.

While it is recommended that sexual violence and sexual harassment is part of the Child Protection Policy, due to the sensitive nature and specific issues involved, we have a small section within the Policy but have completed this separate procedure.

This document focuses on issues between students. See Annex C for issues relating to staff.

## **2. Purpose and Aim**

Young people and adults may be harmful to one another in a number of ways which would be classified as falling within sexual violence and/or sexual harassment which is peer on peer/child on child abuse. The purpose of this procedure is to explore the many forms of sexual violence and sexual harassment and include a planned and supportive response to the issues, however, each referral would be dealt with on a case by case basis.

At The Bedford College Group, we have the following policies in place that should be read in conjunction with these guidelines:

- Anti-Bullying Policy
- Child Protection Policy and Procedures
- E-Safety Policy
- Student Behaviour Policy and Guidelines
- Staff Code of Conduct

## **3. Framework and Legislation**

This procedure is supported by the key principles of the Children's Act, 1989 that the young person's welfare is paramount. Another key document that focuses adult thinking towards the views of the young person is Working Together to Safeguard Children 2018, highlighting that every assessment of a young person, '*must be informed by the views of the child*'. This is clearly echoed by Keeping Children Safe in Education 2022 through ensuring procedures are in place in colleges to hear the voice of the young person.

For issues relating to those over the age of 18, the Sexual Offences Act, 2003 is relevant.

#### **4. Equality and Diversity Statement**

The Bedford College Group is committed to the promotion and development of equality and diversity. We aim to provide a working and learning environment which values individuals equally and does not discriminate on any grounds including age, disability, race, sex (gender), sexual orientation, gender reassignment, religion or belief, marriage or civil partnership and pregnancy and maternity.

This procedure will be implemented in accordance with our policy on equality and diversity, and decisions/actions taken in relation to a potential safeguarding or child protection incident will not be influenced by the background or situation of any persons involved. Each case will be dealt with on its own merits.

This procedure is subject to equality impact analysis.

#### **5. Terminology**

For the purpose of this procedure, the terms 'victim' and 'alleged perpetrator' will be used as these are widely recognised however, staff will be conscious of using these terms with the young person(s) involved.

#### **6. Introduction to Abuse and Harmful Behaviour**

Sexual violence and sexual harassment can happen to students in colleges and it is necessary to consider what abuse is and looks like, how it can be managed and what appropriate support and intervention can be put in place to meet the needs of the individual(s) involved and what preventative strategies may be put in place to reduce further risk of harm.

Abuse is abuse and should never be tolerated or passed off as 'banter' or 'part of growing up'. Equally, abuse issues can sometimes be gender specific e.g. girls/ women being sexually touched/assaulted and boys/ men being subject to initiation/hazing type violence. It is important to consider the forms abuse may take and the subsequent actions required.

##### **6.1 Types of Abuse**

There are many forms of sexual violence and sexual harassment that may occur between peers. This can also occur between staff and students. The procedure below should be referred to in relation to any form of sexual violence or harassment between individuals of any age or position within the College, whether that be between peers or staff.

Each form of abuse or prejudiced behaviour is described in detail followed by advice and support on actions to be taken.

##### ***Abuse in intimate personal relationships between peers***

Teenage relationship abuse is defined as a pattern of actual or threatened acts of physical, sexual, and/or emotional abuse, perpetrated by an adolescent (up to the age of 18) against a current or former partner. Abuse may include insults, coercion, social sabotage, sexual harassment, threats and/or acts of physical or sexual abuse. The abusive teen uses this pattern of violent and coercive behaviour, in a

heterosexual or same gender relationship, in order to gain power and maintain control over the partner. The Domestic Abuse Act, 2021 may be relevant for those over the age of 18.

### ***Sexual Violence***

It is important that staff are aware of sexual violence and the fact young people can, and sometimes do, abuse their peers in this way. When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 as described below:

- **Rape:** A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.
- **Assault by Penetration:** A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.
- **Sexual Assault:** A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

### ***Sexual Harassment***

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline. When we reference sexual harassment, we do so in the context of child on child or student on student sexual harassment. Sexual harassment is likely to: violate a young person's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names
- sexual "jokes" or taunting
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (schools and colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
  - non-consensual sharing of sexual images and videos
  - sexualised online bullying
  - unwanted sexual comments and messages, including, on social media;
  - sexual exploitation; coercion and threats
  - upskirting.

### ***Engaging in Sexual Activity without Consent***

Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

### ***Consensual and Non-Consensual Sharing of Nudes and Semi Nude Images/Videos (also known as sexting or youth produced sexual imagery)***

Sexting is when someone sends or receives a sexually explicit text, image or video. This includes sending 'nude pics', 'rude pics' or 'nude selfies'. Pressuring someone into sending a nude picture can happen in any relationship and to anyone, whatever their age, gender or sexual preference.

However, once the image is taken and sent, the sender has lost control of the image and these images could end up anywhere. By having in their possession, or distributing, indecent images of a person under 18 on to someone else, young people are not even aware that they could be breaking the law as stated as these are offences under the Sexual Offences Act 2003.

More information on Sharing of Nudes and Semi-Nudes can be found in the following document [‘Sharing nudes and semi-nudes’](#).

### ***Upskirting***

The Voyeurism (Offences) Act, which is commonly known as the Upskirting Act, came into force on 12 April 2019. ‘Upskirting’ is where someone takes a picture under a person's clothing (not necessarily a skirt) without their permission and or knowledge, with the intention of viewing their genitals or buttocks (with or without underwear) to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is a criminal offence. Anyone of any gender, can be a victim.

### ***Issues with regards to staff***

All of the instances above can relate to both student/student and student/staff interactions and as such, should be reported as detailed in this procedure.

## **7. Prevention of Sexual Violence and Harassment**

The College recognises its responsibility to educate its students to counter sexual violence and harassment. This is achieved through a variety of means, including as appropriate:

- project work by the Students' Union to raise awareness between peers
- ensuring that students and staff are aware of what constitutes sexual violence and harassment and the consequences for those involved
- raising awareness of e-safety through IT inductions
- ensuring, through induction processes, student handbooks and the virtual learning environment, that students are aware of whom to approach with a concern and their rights to confidentiality in this context

- ensuring that staff understand whom students should approach with a concern and their rights to confidentiality in this context
- displaying literature promoting the College's zero tolerance to sexual violence and harassment and giving advice on what constitutes this and the support the College offers.

## 8. Monitoring and Review

All incidents of sexual violence and harassment and the outcomes are recorded on ProMonitor within the Confidential Comments section.

The number of referrals, comparison to previous years and analysis of the data will be carried out at the local Safeguarding meetings and The Bedford College Group Committee.

This procedure will be reviewed annually by the Group Director of Student Services and Group Director of Higher Skills however, will be updated as appropriate if new guidance is released.

## Sexual Violence & Sexual Harassment Process

### 1. The Disclosure

Although the type of abuse may have a varying effect on the victim and alleged perpetrator, these simple steps can help clarify the situation and establish the facts before deciding the consequences for those involved in perpetrating harm.

A victim may confide in any member of staff and it is important to deal with a situation of sexual violence and/or harassment immediately and sensitively. It is necessary to gather as much information, as soon as possible, to get the true facts around what has occurred. It is likely that the young person(s) may only disclose part of the concern and dialogue should be kept open and encouraged. Key details including timelines etc, may be jumbled due to the trauma that has taken place.

Staff should have a calm and consistent manner and not be prejudiced, judgemental, dismissive or irresponsible in dealing with such sensitive matters.

Where possible, two members of staff should be there when a referral is made so that the victim has the full attention of one person and another member of staff can take notes of the disclosure.

A statement of facts should be taken from the victim and use consistent language and open questions for each account. The easiest way to do this is not to have a line of questioning but to ask the young person(s) to tell you what happened. Only interrupt the young person(s) to gain clarity with open questions, 'where, when, why, who'. (What happened? Who observed the incident? What was seen? What was heard? Did anyone intervene? Where did it happen? Has it happened more than once?).

If pictures or videos have been shared it is imperative that these **are not viewed** by a staff member. The victim(s) should be informed that these should be kept safe and

not deleted as they may be used for evidence however, if they have been uploaded to Social Media etc themselves, then these should be deleted to avoid any further distribution of the images.

All decisions should be led by the victim, where appropriate. The young person should feel in control of the situation and their wishes should be considered. Where a crime has been committed, the Safeguarding Team may make a referral without the victim's consent, however, this will be fully explained to the individual(s) involved.

Confidentiality should not be promised, even if the victim requests this as it is imperative that the College protects children and young people from harm.

**It is important that the alleged perpetrator is not made aware of the referral that has been made, at this stage.**

## **2. Responding to the Disclosure**

Following the disclosure, the Safeguarding Team should be involved immediately to make a decision based on the information that has been received.

The information disclosed will be reviewed, as well as the ages of those involved, the developmental stages, whether there has been a power imbalance between the victim(s) and perpetrator(s), ongoing risks and the wishes of the victim(s) however, the starting point will always be the College's zero-tolerance approach to sexual violence and harassment.

Decisions will be made as to how best to support the victim(s) and perpetrator(s).

## **3. Potential Consequences from the Disclosure**

Based on the information received, the Safeguarding Team and curriculum team, where appropriate will make a decision as to the best way to deal with it.

There are four possible outcomes from the disclosure and these are as follows.

A flow chart of the process can be found in [Annex A](#).

### **3.1 Manage Internally**

Some disclosures, particularly one-off incidents, for example low level incidents of sexual harassment, can be managed internally using the College's Student Behaviour Policy and providing appropriate pastoral support via their Learning Mentor or Safeguarding Team.

A full investigation into the disclosure will be made by the appropriate level of Management, depending on the severity of the disclosure. This will be underpinned by the College's zero-tolerance stance to sexual violence and harassment.

### **3.2 Refer to Early Help**

The victim(s) and/or perpetrator(s) could be referred to Early Help if there is a display of sexual violence or harassment which could be resolved using professionals to provide support, as soon as a problem emerges.

The alleged perpetrator may be that they are experiencing their own difficulties and may even have been harmed themselves in a similar way.

Particular support from identified services may be necessary through an Early Help referral and the young person may require additional support from family members.

Parents / carers should be informed of the disclosure and that a referral to Early Help will be made.

Support should be put in place for the victim(s) and perpetrator(s) to ensure that they are aware that the College is taking the disclosure seriously and measures will be put in place.

### **3.3 Refer to Children's Social Care**

Where the victim(s) is under 18 and at risk of harm, has been harmed, a referral to the Multi-Agency Safeguarding Hub will be made.

Parents / carers of the victim(s) of those under 18 should be made aware of the disclosure and the next steps, unless doing so would put the young person at further risk.

For issues relating to children, the next steps will be guided by the Multi-Agency Safeguarding Hub. This will include when and how to inform the perpetrator(s) and their parents / carers.

### **3.4 Report to the Police**

Where a crime has been committed (rape, assault by penetration or sexual assault), this will be referred immediately to the Police and a referral to the Multi-Agency Safeguarding Hub will be made in parallel to this report for those under the age of 18.

Parents / carers of the victim(s), if under 18, should be made aware of the disclosure and the next steps, unless doing so would put the young person at further risk.

Following the report to the Police, they are likely to want to interview the victim(s) in College or they may ask for parents for those under 18 to come to College to be spoken to also. It is important to be prepared for every situation and the potential time it may take. The staff member who the person made the initial disclosure to may also be requested to provide their own account of the disclosure.

Next steps will be guided by the Police. This will include when and how to inform the perpetrator(s) and their parents / carers where appropriate, as well as what information should be disclosed to staff and others.

The College may decide to temporarily remove the alleged perpetrator from College premises whilst risk assessments etc can be put in place to ensure their own safety.

It is likely that the investigation will take some time.



### **3.4.1 Outcome of the Police Report**

#### ***No Further Action***

In some cases, it may become clear that the Police will be taking no further action and therefore, the College will be prepared to engage the victim(s) and perpetrator(s) with any necessary support and implement the Student Behaviour Policy for the alleged perpetrator, if the College feels this is the correct measure.

#### ***Police Bail with Conditions***

The Police may also act following the disclosure and place the alleged perpetrator on Police bail with conditions, in which case, the College will take these into account when conducting the risk assessment.

#### ***Caution or Conviction***

Following the Police investigation, if a caution or conviction is received by the alleged perpetrator, the College will update its risk assessment and implement its Dealing with Disclosure of Unspent Criminal Convictions Policy and its Student Behaviour Policy.

#### ***No Further Action (NFA'd) by the Police or Crown Prosecution Service / Not Guilty Verdict***

Where cases are 'no further action' or where there is a not guilty verdict, support will continue for both the victim(s) and alleged perpetrator(s) to ensure that there is no bullying/harassment from peers, as well as ensuring that the necessary support is in place to deal with the trauma that the victim(s) will likely be in.

It is important to note that the allegation does not necessarily mean that it was unfounded, it just means that it cannot be substantiated or was withdrawn.

#### ***Unsubstantiated, Unfounded, False or Malicious Reports***

Where disclosures are deemed as unsubstantiated, unfounded, false or malicious, the College will determine what, if any, disciplinary action is needed for the young person who made the disclosure.

Support will be provided to both parties, particularly for the young person who made the disclosure, as it may be that they are in need of help or are being abused by someone else and the disclosure was a cry for help.

## **4. Support for the Victim(s)**

What support they require depends on the individual. It may be that they wish to seek counselling or one to one support via their Learning Mentor, Safeguarding and Welfare Team or trusted adult at the College. It may also be that they feel able to deal with the incident(s) on their own or with support of family and friends. In which case it is necessary that this young person continues to be monitored and offered support should they require it in the future.

Other interventions that could be considered may target a whole group, for example a speaker on relationship abuse etc. It may be that through the continued tutorial programme that certain issues can be discussed and debated more frequently.

The victim(s) is likely to be traumatised and therefore they may struggle within the usual classroom environment and methods of alternative study should be explored. This could be via virtual learning.

If the student feels particularly vulnerable, it may be that a [risk assessment](#) can be put in place for them whilst in College so that they have someone named that they can talk to, support strategies for managing future issues and identified services to offer additional support.

It is important that victim(s) lead the support that they can be offered and that they are not isolated, unless this is their own request.

#### **a. Support for the Alleged Perpetrator(s)**

The alleged perpetrator may be that they are experiencing their own difficulties and may even have been harmed themselves in a similar way.

The alleged perpetrator(s) is entitled to the same support, as the victim and should not be discriminated against.

Support for the alleged perpetrator may involve having a trusted staff member at the College to talk to.

A [risk assessment](#) should be conducted to establish whether any adjustments need to be made to timetables or whether the alleged perpetrator would be best to continue with their studies from home to mitigate any risks to the victim(s), other students, staff or volunteers that they may be working with.

Depending on the incident that has taken place, disciplinary action can take place whilst other investigations are ongoing. This could be where an incident(s) has taken place on College premises which is a breach of the College's Code of Conduct.

### **7. Support for Others**

The College will take into consideration the support that may be needed for peers of the victim(s) and alleged perpetrator(s) whether they have witnessed the disclosure or been confided in regarding the disclosure.

It is also recognised that peers will 'take sides' and we will implement the anti-bullying and harassment policy to address any concerns raised.

Whilst maintaining confidentiality, sessions for those groups closest to those affected, particularly where rumours etc may be circulating, will be adjusted to highlight the importance of making disclosures, how to keep themselves safe in relation to sexual violence and harassment and consent will be provided and the reiteration of the College's zero-tolerance approach to these concerns.

## **8. Recording of Information**

All information received or provided with will be recorded within the Confidential Comments section of ProMonitor under the victim(s), alleged perpetrator(s) and others involved records.

Records will include details disclosed and all decisions made and the reasons for these.

The Confidential Comments will provide a full audit trail to support any criminal proceedings, if needed.

## **9. Risk Assessment**

The risk assessment found in [Annex B](#) will be used to identify the risks posed by the alleged perpetrator.

The risk assessment will take into account the information from the disclosure made, any conditions imposed by the Police and the College's own risk rating for the alleged perpetrators risk to others.

The risk assessment will be conducted by the Safeguarding Team and will clearly identify whether any adjustments need to be made and if so, what these will entail. Full reasons will be given on the risk assessment for any decisions made.

The risk assessment will be regularly reviewed and updated as appropriate.

The risk assessment will be stored on the Central Folder for the Safeguarding Team within the folder named after the victim(s) and perpetrator(s).

## **10. Specialist Support for Victims and Parents / Carers**

The Government guidance [Sexual Violence and Sexual Harassment between Children in Schools and Colleges](#) provides links to specialist organisations, support for victims and support for parents / carers within Annex A of the document.

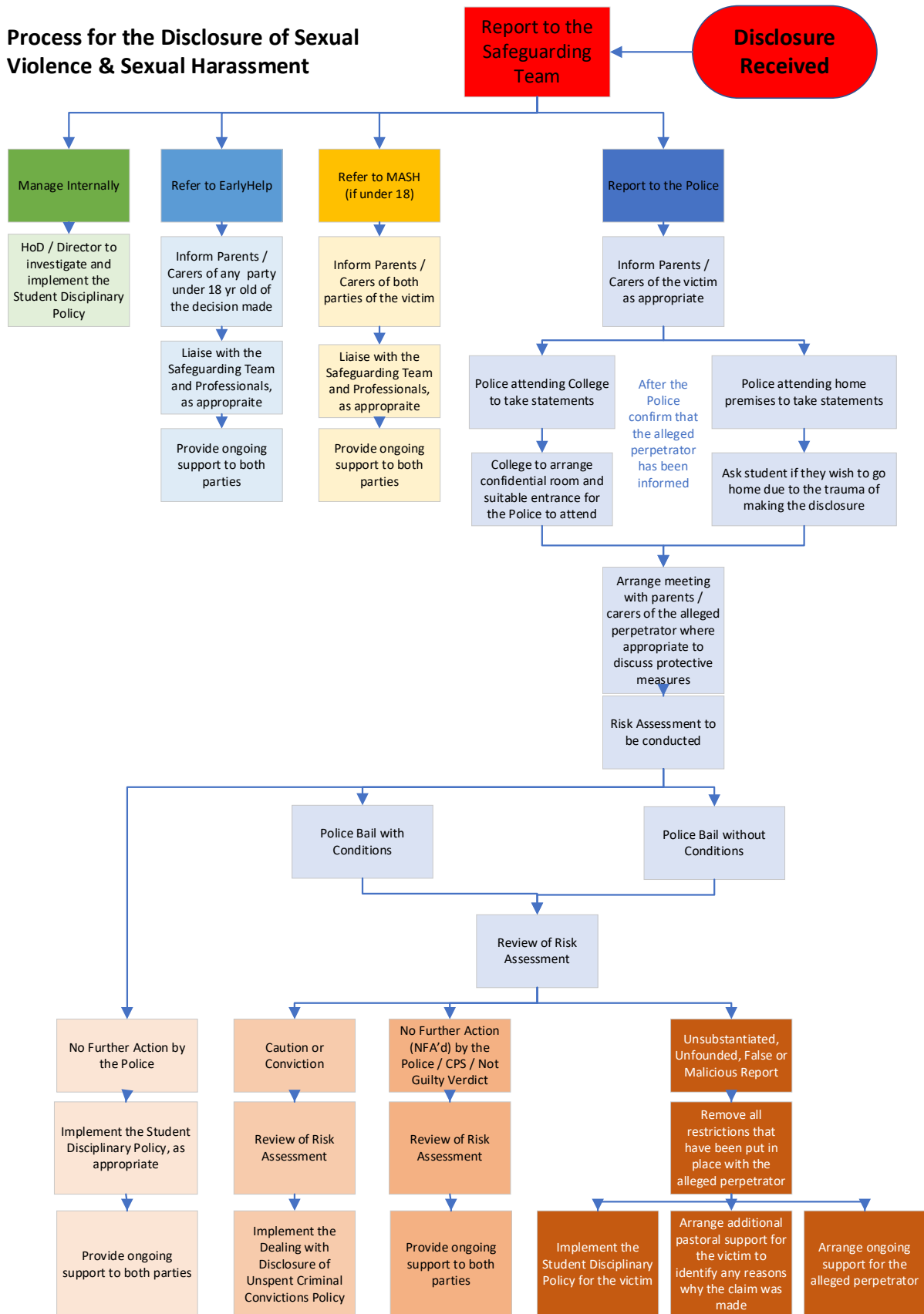
Women's Aid [Live Chat External link](#)

[Rape Crisis England and Wales](#): 0808 802 9999.

[NSPCC Abuse in Education Helpline](#): 0800 136 663.

# Annex A – Flowchart of Process

## Process for the Disclosure of Sexual Violence & Sexual Harassment



# Annex B – Risk Assessment Template

## PRIVATE & CONFIDENTIAL

### Risk Assessment by The Safeguarding Team

As part of the College's risk assessment procedure, this form is to be used by The Safeguarding Team within the College to risk assess students who display/disclose harmful behaviours.

#### Details about the Young Person

<b>Forename:</b>		<b>Surname:</b>	
<b>Gender:</b>	Female <input type="checkbox"/>	Male <input type="checkbox"/>	<b>Date of Birth:</b>
<b>Age:</b>			
<b>Course:</b>			

<b>Does the young person have any history of the following offences?</b>	Sexual	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Violence	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Offences against children	Yes <input type="checkbox"/>	No <input type="checkbox"/>

<b>In your professional opinion, what level of risk does the young person present to:</b>	Environment	High <input type="checkbox"/>	Medium <input type="checkbox"/>	Low <input type="checkbox"/>
	Themselves	High <input type="checkbox"/>	Medium <input type="checkbox"/>	Low <input type="checkbox"/>
	Children	High <input type="checkbox"/>	Medium <input type="checkbox"/>	Low <input type="checkbox"/>
	Vulnerable Adults	High <input type="checkbox"/>	Medium <input type="checkbox"/>	Low <input type="checkbox"/>
	Staff Members	High <input type="checkbox"/>	Medium <input type="checkbox"/>	Low <input type="checkbox"/>

<b>Overall Risk Rating</b>	High <input type="checkbox"/>	Medium <input type="checkbox"/>	Low <input type="checkbox"/>
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<b>In your professional opinion, can reasonable adjustments be made for this Candidate?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Approved – No Actions <input type="checkbox"/>	Approved – With Actions <input type="checkbox"/>	Declined <input type="checkbox"/>
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<b>Reason for Overall Rating:</b>

<b>Signed Head of Department:</b>		<b>Date:</b>	
<b>Signed Vice Principal (If declined)</b>		<b>Date:</b>	
<b>Review 1 Date:</b>			
<b>Review 2 Date:</b>			
<b>Review 3 Date:</b>			
<b>Review 4 Date:</b>			

## **Annex C – Policies and procedures related to staff**

Safeguarding students is of paramount importance to TBCG, and the TBCG Staff Code of Conduct (2024) sets out clear rules as to the professional boundaries all staff MUST abide by whilst working directly with, or being in contact with students. This applies to ALL students irrespective of age. Failure to abide by these will lead to potential Gross Misconduct proceedings being instigated against the staff member concerned.

The College's Professional Boundaries guidelines reflect our commitment to safeguarding and exist for the protection of both staff and students and apply to ALL students irrespective of age.

All staff are in a position of authority and status with students and as such must NEVER enter into a relationship with any student irrespective of age, and to do so would lead to Gross Misconduct disciplinary action being instigated and depending on the student, may also lead to criminal proceedings.